



Appendix A

*Notice of Preparation, Initial Study, and
NOP Comment Letters*

**NOTICE OF PREPARATION
OF A DRAFT ENVIRONMENTAL IMPACT REPORT
CITY OF SUNNYVALE SINGLE-USE CARRYOUT BAG ORDINANCE**

DATE: June 8, 2011

TO: State Clearinghouse, Responsible Agencies, Trustee Agencies, Organizations and Interested Parties

LEAD AGENCY: City of Sunnyvale
Department of Public Works
456 West Olive Avenue
P.O. Box 3707
Sunnyvale, CA 94088-3707
Contact: Mark A. Bowers, Solid Waste Program Manager
(408) 730-7508

The City of Sunnyvale intends to prepare an Environmental Impact Report (EIR) for the Single-Use Carryout Bag Ordinance. In accordance with Section 15082 of the State CEQA Guidelines, the City of Sunnyvale has prepared this Notice of Preparation to provide Responsible Agencies and other interested parties with information describing the proposal and its potential environmental effects. The City has prepared the attached Project Description. The following environmental factors, identified in the initial study, that would potentially be affected by the project include:

- Air Quality
- Biological Resources
- Greenhouse Gas Emissions
- Hydrology/Water Quality
- Utilities and Service Systems

PROJECT SPONSOR: City of Sunnyvale
Department of Public Works
456 West Olive Avenue
P.O. Box 3707
Sunnyvale, CA 94088-3707

PROJECT LOCATIONS: The Single-Use Carryout Bag Ordinance would apply to three categories of retail establishments located throughout the City of Sunnyvale's corporate limits.

PROJECT DESCRIPTION: The City of Sunnyvale proposes to adopt a Single-Use Carryout Bag Ordinance that would: (1) prohibit retail stores located in Sunnyvale and falling into one or more of the three categories described below from providing "single-use plastic carryout bags" to customers at the point of sale; and (2) create a mandatory 15 cent (\$0.15) charge for each paper bag distributed by those stores. As defined by the Ordinance (see Appendix A), a "store" means any of the following establishments within the City limits of Sunnyvale:

- (1) A full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, that sells a line of dry grocery, canned goods, or nonfood items and some perishable items;
- (2) A store of at least 10,000 square feet of retail space that sells any perishable or non-perishable goods, including, but not limited to, clothing, food, or personal items, and generates sales or use tax pursuant to the Bradley-

Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code); or

- (3) A drug store, pharmacy, supermarket, grocery store, convenience food store, foodmart, or other entity engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods, including those stores with a Type 20 or 21 license issued by the Department of Alcoholic Beverage Control.

The intent of the ordinance is to reduce the environmental impacts related to the use of single-use carryout bags, and to promote a shift toward the use of reusable bags. It is anticipated that by prohibiting single-use plastic carryout bags and requiring a mandatory charge for each paper bag distributed by retailers, the proposed ordinance would reduce the amount of single-use plastic and paper bags within the City, while promoting a shift to the use of reusable bags by Sunnyvale retail customers.

Single-Use plastic carryout bags are defined as bags made from petroleum or bio-based plastic (i.e., bags made with at least 90% starch from renewable resources such as corn, potato, tapioca, or wheat, or from polyesters, manufactured from hydrocarbons, or starch-polyester blends) that are less than 2.25 millimeters thick. The proposed Single-Use Carryout Bag Ordinance would prohibit retailers from distributing both petroleum and bio-based single-use carryout plastic bags at the point of sale. The proposed Single-Use Carryout Bag Ordinance would not prohibit the distribution of plastic "product bags", as defined, which includes bags without handles provided to a customer (1) to carry produce, meats, or other food items to the point of sale inside a store; (2) to hold prescription medication dispensed from a pharmacy; or - (3) to protect food or merchandise from being damaged or contaminated by other food or merchandise when items are placed together in a reusable bag or recyclable paper carryout bag; or (4) a bag without handles that is designed to be placed over articles of clothing on a hanger. The ordinance would not apply to restaurants and other food service providers, allowing them to provide plastic bags to customers for prepared take-out food intended for consumption off of the food provider's premises.

The Single-Use Carryout Bag Ordinance would also impose a mandatory charge on paper carryout bags at specified categories of Sunnyvale stores, including grocery stores, convenience stores, mini-marts, liquor stores, pharmacies, department stores, stores that sell durable goods, and clothing stores. It is anticipated that the mandatory charge would be \$0.15 (fifteen cents) per paper bag. This charge would be retained by the affected stores to offset the costs of providing paper bags. The mandatory charge is intended to provide a disincentive to customers to request paper bags when shopping at regulated stores and is intended to promote a shift toward the use of reusable bags by Sunnyvale consumers.

The mandatory charge would charge customers for each paper carryout bag provided by the affected stores. Revenues generated from the charge would be used to compensate the affected stores for increased costs related to compliance with the ordinance, actual costs associated with providing recyclable paper carryout bags or reusable bags, or costs associated with a store's educational materials or education campaign encouraging the use of reusable bags. Stores would be required to indicate on the customer receipt the number of paper carryout bags provided and the total amount of the mandatory charge. The stores would be required to report to the Director of Utilities, on a quarterly basis, the total number of recyclable paper carryout bags provided, the total amount of monies collected for providing recyclable paper carryout bags, and a summary of any efforts a store has undertaken to promote the use of reusable bags by customers in the prior quarter.

REVIEW PERIOD: As specified by the State CEQA Guidelines, the Notice of Preparation will be circulated for a 30-day review period. The City of Sunnyvale welcomes agency and public input

during this period regarding the scope and content of environmental information related to your agency's responsibility that must be included in the Draft EIR. **Comments may be submitted, in writing, by 5:30 p.m. on July 8, 2011** and addressed to:

Mark Bowers
City of Sunnyvale
Department of Public Works
456 West Olive Avenue
P.O. Box 3707
Sunnyvale, CA 94088-3707
(408) 730-7508



Mark A. Bowers, Solid Waste Program Manager
Department of Public Works

June 8, 2011

Date

City of Sunnyvale

Single-Use Carryout Bag Ordinance

Initial Study

June 2011



Environmental Scientists Planners Engineers

Initial Study

Single-Use Carryout Bag Ordinance

Prepared by:

City of Sunnyvale
Department of Public Works
456 West Olive Avenue
P.O. Box 3707
Sunnyvale, CA 94088-3707
Contact: Mark A. Bowers, Solid Waste Program Manager
(408) 730-7508

Prepared with the assistance of:

Rincon Consultants, Inc.
180 North Ashwood Avenue
Ventura, CA 93003
(805) 644-4455

June 2011

This report prepared on 50% recycled paper with 50% post-consumer content.

Project Title	Single-Use Carryout Bag Ordinance
Lead Agency Name and Address	City of Sunnyvale P.O. Box 3707, Sunnyvale, CA 94088-3707
Contact Person	Mark Bowers, Solid Waste Program Manager
Phone Number	408-730-7508
Project Location	Citywide
Applicant's Name	City of Sunnyvale
Project Address	The Single-Use Carryout Bag Ordinance would apply to all retail stores, as defined, located within the City of Sunnyvale's corporate limits.
Zoning	Various designations throughout the City of Sunnyvale
General Plan	Various designations throughout the City of Sunnyvale
Other Public Agencies whose approval is required	None

DESCRIPTION OF THE PROJECT:

The purpose of this study is to consider the environmental impacts associated with the proposed Single-Use Carryout Bag Ordinance. The proposed ordinance would prohibit specified retail establishments in Sunnyvale from providing single-use plastic carryout bags to customers at the point of sale, and would create a mandatory 15 cent (\$0.15) charge for each paper bag distributed by those stores in the City. The intent of the Single-Use Carryout Bag Ordinance is to reduce the number of single-use carryout bags distributed by retailers, and to promote the use of reusable bags by Sunnyvale retail customers.

DETAILED PROJECT DESCRIPTION:

The City of Sunnyvale proposes to adopt a Single-Use Carryout Bag Ordinance that would: (1) prohibit three specified categories of retail establishments in Sunnyvale from providing "single-use plastic carryout bags" to customers at the point of sale; and (2) create a mandatory 15 cent (\$0.15) charge for each paper bag distributed by stores in the City. As defined by the Ordinance (see Appendix A), a "store" means any of the following establishments within the City limits of Sunnyvale:

- (1) A full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, that sells a line of dry grocery, canned goods, or nonfood items and some perishable items;

- (2) A store of at least 10,000 square feet of retail space that sells any perishable or non-perishable goods, including, but not limited to, clothing, food, or personal items, and generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code); or
- (3) A drug store, pharmacy, supermarket, grocery store, convenience food store, foodmart, or other entity engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods, including those stores with a Type 20 or 21 license issued by the Department of Alcoholic Beverage Control.

The intent of the ordinance is to reduce the environmental impacts related to the use of single-use plastic and paper carryout bags, and to promote a shift toward the use of reusable bags. It is anticipated that by prohibiting single-use plastic carryout bags and requiring a mandatory charge for each paper bag distributed by retailers, the proposed ordinance would reduce the amount of single-use plastic and paper bags within the City, while promoting a shift to the use of reusable bags by Sunnyvale retail customers.

Single-Use plastic carryout bags are defined as bags made from petroleum or bio-based plastic (i.e., bags made with at least 90% starch from renewable resources such as corn, potato, tapioca, or wheat, or from polyesters, manufactured from hydrocarbons, or starch–polyester blends) that are less than 2.25 millimeters thick. The proposed Single-Use Carryout Bag Ordinance would prohibit retailers from distributing both petroleum and bio-based single-use carryout plastic bags at the point of sale. The proposed Single-Use Carryout Bag Ordinance would not prohibit the distribution of plastic “product bags”, as defined, which includes bags without handles provided to a customer (1) to carry produce, meats, or other food items to the point of sale inside a store; (2) to hold prescription medication dispensed from a pharmacy; or - (3) to protect food or merchandise from being damaged or contaminated by other food or merchandise when items are placed together in a reusable bag or recyclable paper carryout bag; or (4) a bag without handles that is designed to be placed over articles of clothing on a hanger. The ordinance would not apply to stores of less than 10,000 square feet that are not included in one of the three specified categories. It would not apply to restaurants and other food service providers, allowing them to provide plastic bags to customers for prepared take-out food intended for consumption off of the food provider’s premises.

The Single-Use Carryout Bag Ordinance would also impose a mandatory charge on paper carryout bags at Sunnyvale stores covered by the ordinance, including grocery stores, convenience stores, mini-marts, liquor stores, pharmacies, department stores, stores that sell durable goods, and clothing stores. It is anticipated that the mandatory charge would be \$0.15 (fifteen cents) per paper bag. This charge would be retained by the affected stores to offset the costs of providing paper bags. The mandatory charge is intended to provide a disincentive to customers to request paper bags when shopping at regulated stores and is intended to promote a shift toward the use of reusable bags by Sunnyvale consumers.

The mandatory charge would charge customers for each paper carryout bag provided by the affected stores. Revenues generated from the charge would be used to compensate the affected stores for increased costs related to compliance with the ordinance, actual costs associated with providing recyclable paper carryout bags or reusable bags, or costs associated

with a store's educational materials or education campaign encouraging the use of reusable bags. Stores would be required to indicate on the customer receipt the number of paper carryout bags provided and the total amount of the mandatory charge. The stores would be required to report to the Director of Utilities, on a quarterly basis, the total number of recyclable paper carryout bags provided, the total amount of monies collected for providing recyclable paper carryout bags, and a summary of any efforts a store has undertaken to promote the use of reusable bags by customers in the prior quarter.

On-site Development: The proposed ordinance would prohibit the use of single-use plastic carryout bags at specified categories of retailers and would create a mandatory charge for paper bags at those retailers. It is not a site-specific project, so there is no on-site development to consider.

Construction Activities and Schedule: The proposed Single-Use Carryout Bag Ordinance would not include development of any physical structures or involve any construction activity.

Surrounding Uses and Setting: The Single-Use Carryout Bag Ordinance would apply to three specified categories of retail establishments located within the City of Sunnyvale's corporate limits. The City of Sunnyvale is located in Santa Clara County. Approximately 24 square miles in size, the City is bounded to the north by the cities of San Jose and Fremont and Moffett Federal Airfield, to the west by the cities of Mountain View and Los Altos, to the south by the City of Cupertino, and to the east by the City of Santa Clara. The City is almost entirely developed, with 98% of the net land area containing some form of development in 1995. Sunnyvale contains a variety of land uses, including residential (single- and multi-family), commercial, industrial, office, and public facilities.

Figure 1 illustrates the location of Sunnyvale in its regional context and Figure 2 shows an aerial of the City and surrounding communities.

Based on existing conditions, the proposed ordinance would apply to approximately 99 retailers in Sunnyvale including 20 large supermarkets and pharmacies (>10,000 square feet), 15 other large retailers (>10,000 square feet) such as department stores, big box stores, and sporting good stores, and 64 food and beverage stores. A list of store categories is included in Appendix A. Currently, almost 20 billion plastic grocery bags (or approximately 533 bags per person) are consumed annually in California (Green Cities California MEA, 2010; and CIWMB, 2007).

As shown in Table 1, based on this statewide data, retail customers in the City of Sunnyvale currently use approximately 75,231,202 plastic bags per year. Although retail customers in Sunnyvale may include residents of other communities and residents of Sunnyvale may not necessarily be customers of retailers in the City, for this analysis, in order to estimate the existing number of plastic bags used per year in Sunnyvale, the statewide data was utilized to apply the number of bags used per person per year rate to the number of residents in Sunnyvale. This estimate is considered reasonable and conservative for the purposes of this analysis under CEQA.

Table 1: Estimated Bag Use in Sunnyvale

Area	Population*	Number of Bags per Person**	Number of Bags Per Year
City of Sunnyvale	141,099	533.18	75,231,202
Total			75,231,202

* California Department of Finance "City/County Population and Housing Estimates" (2011).

**Based on annual statewide estimates of plastic bag use from the CIWMB (2007) - 533 bags per person = 20 billion bags used statewide per year (CIWMB, 2007) / 37,510,766 people statewide (California's current population according to the State Department of Finance (2011).

Off-site Improvements: The proposed ordinance would not require any off-site improvements.

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, "Earlier Analysis," may be cross-referenced).
5. Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (d). In this case, a brief discussion should identify the following:
6. Earlier Analysis Used. Identify and state where they are available for review.
7. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal

standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

8. Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project
9. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

- | | | |
|--|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Agricultural Resources | <input checked="" type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Air Quality | <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Transportation/Traffic |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Utilities/Service Systems |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Noise | <input checked="" type="checkbox"/> Mandatory Findings of Significance |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Population/Housing | |

MANDATORY FINDINGS OF SIGNIFICANCE (see checklist for further information):

Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? ☒ Yes
☐ No

Mandatory Findings of Significance? Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects)? ☒ Yes
☐ No

Mandatory Findings of Significance? Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? ☒ Yes
☐ No

DETERMINATION:

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. ☐

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared. ☐

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. ☒

I find that the proposed project MAY have a "potential significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed. ☐

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required. ☐

Checklist Preparer: Mark A. Bowers

Date: 6/6/2011

Title: Solid Waste Program Manager, Department of Public Works

City of Sunnyvale

Signature: _____

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
1. Aesthetics - Substantially damage scenic resources, including, but not limited to trees, historic buildings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sunnyvale General Plan Map, Open Space Sub-element www.sunnyvaleplanning.com Project Description
2. Aesthetics - Substantially degrade the existing visual character or quality of the site and its surroundings including significant adverse visual changes to neighborhood character?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sunnyvale General Plan Map, Open Space Sub-element www.sunnyvaleplanning.com Project Description
3. Aesthetics - Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale General Plan Map, Open Space Sub-element www.sunnyvaleplanning.com Project Description
4. Population and Housing - Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure) in a way that is inconsistent with the Sunnyvale General Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Land Use and Transportation Element of the General Plan, General Plan Map www.sunnyvaleplanning.com Project Description
5. Population and Housing - Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Housing Sub-Element, Land Use and Transportation Element and General Plan Map www.sunnyvaleplanning.com Project Description
6. Population and Housing - Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Housing Sub-Element www.sunnyvaleplanning.com Project Description
7. Land Use Planning - Physically	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale General Plan Map

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
divide an established community?					www.sunnyvaleplanning.com Project Description
8. Land Use Planning conflict - With the Sunnyvale General Plan, Zoning Ordinance, San Francisco Bay Conservation and Development Commission (BCDC) area or related specific plan adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Land Use and Transportation Element, Sunnyvale General Plan, Title 19 (Zoning) of the Sunnyvale Municipal Code http://qcode.us/codes/sunnyvale/view.php?to pic=19&frames=off
9. Transportation and Traffic - Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Parking Requirements (Section 19.46) in the Sunnyvale Municipal Code http://qcode.us/codes/sunnyvale/view.php?to pic=19-4-19_46&frames=off
10. Hazards and Hazardous Materials - For a project located the Moffett Field AICUZ or an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Moffett Field AICUZ, Sunnyvale Zoning Map, Sunnyvale General Plan Map www.sunnyvaleplanning.com
11. Hazards and Hazardous Materials - For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There are no private airstrips in or in the vicinity of Sunnyvale
12. Hazards and Hazardous Materials - For a project within the vicinity of Moffett Federal Airfield, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Moffett Field AICUZ, Sunnyvale Zoning Map, Sunnyvale General Plan Map www.sunnyvaleplanning.com
13. Agricultural Resources - Conflict with existing zoning for agricultural use,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Zoning Map www.sunnyvaleplanning.com

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
or a Williamson Act contract?					g.com
14. Noise - Exposure of persons to or generation of noise levels in excess of standards established in the Noise Sub-Element, Noise limits in the Sunnyvale Municipal Code, or applicable standards of the California Building Code?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sunnyvale Noise Sub-element, SMC www.sunnyvaleplanning.com 19.42 Noise Ordinance http://qcode.us/codes/sunnyvale/view.php?topic=19&frames=off
15. Noise - Exposure of persons to or generation of excessive groundborne vibration?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sunnyvale Noise Sub-Element www.sunnyvaleplanning.com Project Description
16. Noise - A substantial permanent or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sunnyvale Noise Sub-element www.sunnyvaleplanning.com
17. Biological Resources - Have a substantially adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	General Plan Map Project Description
18. Biological Resources - Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	General Plan Map Project Description
19. Biological Resources - Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	General Plan Map Project Description

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
20. Biological Resources - Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SMC 19.90 Tree Preservation Ordinance Sunnyvale Inventory of Heritage Trees
21. Biological Resources - Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description
22. Historic and Cultural Resources - Cause a substantial adverse change in the significance of a historical resource or a substantial adverse change in an archeological resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Heritage Preservation Sub-Element, Sunnyvale Inventory or Heritage Resources The United States Secretary of the Interior's "Guidelines for Rehabilitation" Criteria of the National Register of Historic Places
23. Historic and Cultural Resources - Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description
24. Public Services - Would the project result in substantial adverse physical impacts associated with the provision of new or expanded public schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable performance objectives?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The following public school districts are located in the City of Sunnyvale: Fremont Union High School District, Sunnyvale Elementary School District, Cupertino Union School District and Santa Clara Unified School District. Project Description
25. Air Quality - Conflict with or obstruct implementation of the <u>BAAQMD</u> air quality plan? How close is the use to a major road, hwy. or freeway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BAAQMD CEQA Guidelines Sunnyvale General Plan Map Sunnyvale Air Quality

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
					Sub-Element www.sunnyvaleplanning.com
26. Air Quality - Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BAAQMD CEQA Guidelines Project Description
27. Air Quality - Would the project conflict with any applicable plan, policy or regulation of any agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BAAQMD CEQA Guidelines Project Description
28. Air Quality - Violate any air quality standard or contribute substantially to an existing or projected air quality violation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BAAQMD CEQA Guidelines Sunnyvale Air Quality Sub-Element Project Description
29. Air Quality - Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BAAQMD CEQA Guidelines Sunnyvale Air Quality Sub-Element www.sunnyvaleplanning.com Project Description
30. Air Quality - Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BAAQMD CEQA Guidelines Sunnyvale Air Quality Sub-Element www.sunnyvaleplanning.com Project Description
31. Seismic Safety - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Seismic Safety and Safety Sub-Element of the Sunnyvale General Plan www.sunnyvaleplanning.com
32. Seismic Safety - Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Seismic Safety and Safety Sub-Element of the Sunnyvale General

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
					Plan www.sunnyvaleplanning.com
33. Seismic Safety - Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Seismic Safety and Safety Sub-Element of the Sunnyvale General Plan www.sunnyvaleplanning.com
34. Seismic Safety - Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Seismic Safety and Safety Sub-Element of the Sunnyvale General Plan www.sunnyvaleplanning.com

Further Discussion:

Items 1, 2. Aesthetics – The proposed Single-Use Carryout Bag Ordinance would prohibit specified retail establishments in Sunnyvale from providing single-use plastic carryout bags to customers at the point of sale, and would create a mandatory 15 cent (\$0.15) charge for each paper bag distributed by these stores. The intent of the Single-Use Carryout Bag Ordinance is to reduce the amount of single-use plastic and paper carryout bags, and to promote the use of reusable bags by Sunnyvale retail customers.

The proposed Single-Use Carryout Bag Ordinance would not include development of any physical structures or involve any construction activity. As such, the proposed ordinance would not damage scenic resources such as trees, rock outcroppings, or historic buildings. In addition, since the proposed Single-Use Carryout Bag Ordinance would not change any existing land uses or add any physical development or new structures within the City, it would not degrade the existing visual character of Sunnyvale or the surrounding area. It is anticipated that implementation of the Single-Use Carryout Bag Ordinance may incrementally reduce litter in and around the City by reducing the use of single-use bags. Impacts would be *less than significant* and further analysis of these issues in an EIR is not warranted.

Item 3. Aesthetics – Existing sources of light within the City at retail stores include street lights, light structures in surface parking areas, and security lighting on buildings; no other significant sources of light or glare are present. The Single-Use Carryout Bag Ordinance would not add any physical development that would create additional sources of light and glare. Therefore, there would be *no impact* related to the creation of a new source of light or glare and further analysis in an EIR is not warranted.

Items 4, 5, 6. Population and Housing – The proposed Single-Use Carryout Bag Ordinance would apply throughout Sunnyvale, which is a developed urban area. The intent of the proposed ordinance is to reduce the use of single-use plastic and paper bags in the city and to promote the use of reusable bags by Sunnyvale retail customers. The ordinance would not involve any physical development, such as residential units, and would not alter any existing land uses. As such, the project would not induce population growth, displace existing housing, or displace existing residents. There would be *no impact* related to population and housing and further analysis of these issues in an EIR is not warranted.

Items 7, 8. Land Use Planning – The proposed ordinance would require an amendment to the Sunnyvale Municipal Code. However, it would not involve any new development or construction activities. No new through-streets are proposed and no through-streets would be abandoned. As a result, the proposed ordinance would not divide an established community or conflict with any land use plan or policy, including the general plan, specific plan, and zoning ordinance. *No impact* would occur and further analysis of this issue in an EIR is not warranted.

Item 9. Transportation and Traffic – The proposed ordinance would not involve any new development and would not increase the demand for parking or remove existing parking. There would be *no impact* to parking capacity, and further analysis of this issue in an EIR is not warranted.

Items 10, 11, 12. Hazards and Hazardous Materials – The proposed Single-Use Carryout Bag Ordinance would not involve any physical development or construction activities and, therefore, would not place residents or employees within the vicinity of any airport or private air strip. As such, there would be *no impact* and further analysis in an EIR is not warranted.

Item 13. Agricultural Resources – The proposed Single-Use Carryout Bag Ordinance would prohibit specified retail establishments in Sunnyvale from providing single-use plastic carryout bags to customers at the point of sale, and would create a mandatory charge for each paper bag distributed by these stores. The proposed ordinance would not include any physical development or change any existing land uses. The proposed Single-Use Carryout Bag Ordinance would not conflict with existing zoning for agricultural use, or a Williamson Act Contract. *No impact* would occur and further discussion of this issue in an EIR is not warranted.

Items 14, 15, 16. Noise – The proposed Single-Use Carryout Bag Ordinance would apply throughout the City of Sunnyvale. However, the ordinance would not involve any physical development or construction activities. As such, the proposed ordinance would not create new noise sources that would expose persons to noise levels in excess of existing noise standards. The Single-Use Carryout Bag Ordinance would not expose persons to or generation of excessive groundborne vibration or groundborne noise levels, nor would the proposed ordinance create a substantial increase in permanent or temporary ambient noise levels. The ordinance could incrementally alter travel patterns associated with transport of single use and reusable bags; however, this incremental change would not create any audible change in the noise environment in any neighborhoods in or around the City. Therefore, *impacts* related to noise levels would be *less than significant* and further analysis of these issues in the EIR is not warranted.

Item 17. Biological Resources – The proposed Single-Use Carryout Bag Ordinance is intended to reduce the use of single-use plastic and paper bags and to promote a shift in the

use of reusable bags by Sunnyvale retail customers. Although Sunnyvale is urbanized and there is low potential for adverse effects to wildlife resources or their habitat either directly or indirectly, by promoting a shift toward the use of reusable bags in Sunnyvale, the Single-Use Carryout Bag Ordinance could potentially affect sensitive species if reusable bags are improperly disposed of and become litter that enters the storm drain system and ultimately into coastal and marine environments. The proposed ordinance's impact related to sensitive species is **potentially significant** and will be further analyzed in an EIR.

Item 18. Biological Resources – The proposed Single-Use Carryout Bag Ordinance would not include any physical development or construction activity and, therefore, would not alter or remove any existing riparian habitat or federal wetlands in Sunnyvale. As such, the proposed ordinance would not adversely affect any riparian habitat or any federally protected wetlands. *No impact* would occur and further analysis of this issue in an EIR is not warranted.

Item 19. Biological Resources – The limited wildlife that is present in the Sunnyvale area has adapted to the urban environment and there are no known migratory wildlife corridors or native nursery sites. Various trees, shrubs and bushes in the area could be considered potential roosting/nesting habitat for a variety of migratory and resident birds, such as raptors. However, the proposed Single-Use Carryout Bag Ordinance would not include any physical development or construction activity and, therefore, would not alter or remove any existing vegetation in Sunnyvale. As such, the proposed ordinance would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. *No impact* would occur and further analysis of this issue in an EIR is not warranted.

Items 20, 21. Biological Resources – The proposed ordinance is intended to reduce the amount of single-use plastic and paper bags and to promote a shift toward the use of reusable bags by Sunnyvale retail customers. The proposed ordinance would not involve any physical development or construction activities that would conflict with local policies or ordinances protecting biological resources, including trees, nor would the proposed ordinance conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. *No impact* would occur and further analysis of this issue in an EIR is not warranted.

Item 23. Historic and Cultural Resources – The proposed Single-Use Carryout Bag Ordinance would not involve any ground-disturbing activities, such as excavation or construction activities. As such, the proposed ordinance would not disturb any human remains. Therefore, there would be *no impact* and further analysis of this issue in an EIR is not warranted.

Item 24. Public Services – The proposed ordinance would not involve any new development or land use changes within the City. In addition, the Single-Use Carryout Bag Ordinance would not result in an increase in population or employment; therefore, the project would not place an additional burden on existing schools in Sunnyvale. The proposed ordinance would not result in the need for new or altered public schools. There would be *no impact* and further analysis of this issue in an EIR is not warranted.

Item 25. Air Quality – Generally, a project would conflict with or potentially obstruct implementation of an air quality plan if the project would contribute to population growth in excess of that forecasted in the air quality management plan. The proposed ordinance would

not involve the construction of residences or other physical structures, and would not otherwise induce population growth. Therefore, it would not conflict with or obstruct implementation of the Bay Area Air Quality Management District (BAAQMD) 2010 Clean Air Plan. There would be *no impact* and further analysis of this issue in an EIR is not warranted.

Items 26, 27. Air Quality (Greenhouse Gas Emissions) – The proposed Single-Use Carryout Bag Ordinance would not involve any physical development, construction activities, or land use changes that would contribute greenhouse gas emissions. The proposed ordinance is intended to reduce the amount of single-use plastic and paper bags used by Sunnyvale retail customers and to promote a shift toward reusable bags. Although overall carryout bag use is anticipated to decline as a result of the proposed ordinance, the EIR will analyze whether the shift toward reusable bags could potentially alter traffic patterns in Santa Clara County related to transport of single-use and reusable bags as well as processing activities in Santa Clara County related to bag production and disposal of carryout bags which may increase greenhouse gas emissions.

The EIR will analyze whether a shift toward reusable bags in Sunnyvale would generate greenhouse gas emissions that may have a significant impact on the environment. In addition, the EIR will analyze whether the proposed ordinance would conflict with any applicable plan, policy or regulation adopted for the purpose of reducing greenhouse gas emissions. Impacts related to greenhouse gas emissions are ***potentially significant*** and will be further analyzed in an EIR.

Items 28, 29. Air Quality – The proposed Single-Use Carryout Bag Ordinance does not include any new buildings or other physical development and therefore would not entail any construction activity. As such, the proposed ordinance would not generate temporary construction emissions. Although the proposed ordinance is intended to reduce the amount of single-use plastic and paper bags and to promote a shift towards reusable bags in Sunnyvale, a potential change in the number of truck trips associated with delivering carryout bags to retailers and the additional use of reusable bags could increase long-term operational emissions. In addition, although overall carryout bag use is anticipated to decline as a result of the proposed ordinance, the EIR will also analyze whether the shift toward reusable bags could potentially alter processing activities in Santa Clara County related to bag production which may increase air emissions. Impacts related to long-term emissions are ***potentially significant*** and will be further analyzed in an EIR.

Item 30. Air Quality – Certain population groups are considered more sensitive to air pollution than others. Sensitive population groups include children, the elderly, the acutely ill and the chronically ill, especially those with cardio-respiratory diseases. Residential uses are also considered sensitive to air pollution because residents (including children and the elderly) tend to be at home for extended periods of time, resulting in sustained exposure to any pollutants present. Sensitive receptors within Sunnyvale include children who attend local schools as well as children and the elderly who reside in City neighborhoods.

As discussed above, implementation of the Single-Use Carryout Bag Ordinance could result in a change in the number of truck trips associated with deliveries of carryout bags to retailers in Sunnyvale. However, as discussed below in the *Transportation* discussion, the total increase of truck trips associated with carryout bag delivery citywide compared to existing conditions would be less than one new trip per day as a result of the proposed ordinance. Further, truck trips would be expected to primarily utilize major regional transportation facilities (such as the

Bayshore Freeway (U.S. 101), Junipero Serra Freeway (Interstate 280), and Stevens Creek Freeway (State Route 85)) and major arterials in the City (such as El Camino Real, Central Expressway and Lawrence Expressway). Sensitive receptors such as children who attend local schools as well as children and the elderly who reside in City neighborhoods are not typically located along these transportation facilities and major arterials. Therefore, the proposed project is not likely to expose sensitive receptors to substantial pollutant concentrations. The impact is *less than significant* and will not be further discussed in the EIR.

Items 31, 32, 33, 34. Seismic Safety – The City of Sunnyvale is located between two active earthquake faults. Scientists have identified four fault segments on which they believe large earthquakes are most likely to occur. The USGS estimated that there is a 63 percent chance for at least one earthquake of magnitude 6.7 or larger to strike in the San Francisco Bay Area before the year 2037. Liquefaction describes the phenomenon in which groundshaking works cohesionless soil particles into a tighter packing which induces excess pore pressure. These soils may acquire a high degree of mobility and lead to structurally damaging deformations. Liquefaction begins below the water table, but after liquefaction has developed, the groundwater table will rise and cause the overlying soil to mobilize. Liquefaction typically occurs in areas where the groundwater is less than 30 feet from the surface and where the soils are composed of poorly consolidated fine to medium sand. Conditions for potential liquefaction exist throughout the City of Sunnyvale but the potential is generally greatest north of U.S. 101.

Although the potential seismic hazards described above are present in Sunnyvale, the proposed Single-Use Carryout Bag Ordinance would not involve any physical development or construction activity. As such, the proposed ordinance would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture on a known earthquake fault or seismic ground shaking. *No impact* would occur and further analysis of these issues in an EIR is not warranted.

Transportation	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
35. Exceeds the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all modes of transportation including nonmotorized travel and all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian walkways, bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	City's Land Use and Transportation Element, Santa Clara County Transportation Plan, and AASHTO: A Policy on Geometric Design of Highways and Streets.
36. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measurements, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Santa Clara County Congestion Management Program and Technical Guidelines (for conducting TIA and LOS thresholds).
37. Results in a change in air traffic patterns, including either an increase in air traffic levels or a change in flight patterns or location that results in substantial safety risks to vehicles, bicycles, or pedestrians?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale General Plan including the Land Use and Transportation Element.
38. Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	City and CA Standard Plans & Standard Specifications.
39. Conflict with adopted policies, plans, or programs regarding public transit or nonmotorized transportation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Bicycle Plan, VTA Bicycle Technical Guidelines, and VTA Short Range Transit Plan.

Transportation	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
40. Affect the multi-modal performance of the highway and/or street and/or rail and/or off road nonmotorized trail transportation facilities, in terms of structural, operational, or perception-based measures of effectiveness (e.g. quality of service for nonmotorized and transit modes)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	VTA Community Design and Transportation Manual, and Sunnyvale Neighborhood Traffic Calming Program.
41. Reduce, sever, or eliminate pedestrian or bicycle circulation or access, or preclude future planned and approved bicycle or pedestrian circulation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Bicycle Plan, Pedestrian and Bicycle Opportunities Studies and associated capital projects.
42. Cause a degradation of the performance or availability of all transit including buses, light or heavy rail for people or goods movement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	VTA Transit Operations Performance Report, VTA Short Range Transit Plan, and Valley Transportation Plan for 2035.

Further Discussion:

Items 35, 36. Transportation – The proposed Single-Use Carryout Bag Ordinance would prohibit specified retail establishments in Sunnyvale from providing single-use plastic carryout bags to customers at the point of sale and create a mandatory charge for each paper bag distributed by these stores. The intent of the Single-Use Carryout Bag Ordinance is to reduce single-use plastic and paper carryout bags, and to promote a major shift towards reusable bags by Sunnyvale retail customers. The proposed ordinance would not involve any physical development or construction activities. However, the shift toward reusable bags could alter truck travel patterns associated with delivering bags from manufacturers to retailers.

Stores making available paper carryout bags would be required to sell recycled paper carryout bags made from 100% recycled material with a 40% post-consumer recycled content to customers for approximately \$0.15 per bag. This cost requirement will create a disincentive to customers to request paper bags when shopping at regulated stores and is intended to promote a major shift toward the use of reusable bags by consumers in Sunnyvale. The proposed ordinance may lead to some short term increase in single-use paper bag use as consumers would be unable to get a free plastic bag while shopping but may be willing to pay a fee to use paper bags. Based on a cost requirement of at least \$0.15 per bag, it is assumed in this analysis that the total volume of plastic bags currently used in Sunnyvale (approximately 75,231,202 plastic bags per year) would be replaced by approximately 45% paper bags and

50% reusable bags as a result of the Single-Use Carryout Bag Ordinance. It is assumed that 5% of the existing total of single-use plastic bags used in Sunnyvale would remain in use since the Ordinance does not apply to some retailers who distribute plastic bags (i.e., restaurants) and these retailers would continue to distribute plastic bags after the Ordinance is implemented. Thus, for this analysis it is assumed that approximately 3,761,560 plastic bags would be used in Sunnyvale after the implementation of the proposed Ordinance. Even though the volume of a single paper carryout bag (20.48 liters) is generally equal to approximately 150% of the volume of a plastic bag (14 liters¹), for this analysis it is assumed that approximately 33,854,041 paper bags would replace approximately 45% of the plastic bags currently used in the City.

In order to estimate the number of reusable carryout bags that would replace 37,615,601 plastic bags (50% of the existing number of plastic bags used in Sunnyvale per year), it is assumed that a reusable carryout bag would be used by a customer once per week for one year (52 times)². This is a conservative estimate as a reusable bag, as required by the Ordinance, must have “the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet” and must have “a minimum volume of 15 liters” (see Appendix for complete Ordinance). Nevertheless, for this analysis, in order to replace the volume of groceries contained in the 37,615,601 million single-use plastic bags that would be removed as a result of the Single-Use Carryout Bag Ordinance, an increase of approximately 723,377 reusable bags per year would be purchased by customers at retail stores³. It should be noted that approximately 723,377 reusable bags would mean that each person in Sunnyvale (141,099 in 2011) would purchase around 5 reusable bags per year. This analysis assumes that as a result of the proposed ordinance the existing total volume of groceries currently carried in approximately 75.2 million single-use plastic carryout bags would be carried within approximately 38.3 million single-use plastic, reusable and single-use paper bags.

A temporary increase in single-use paper-bag use and a permanent increase in reusable bag use might lead to an increase in the frequency of truck trips needed to deliver a greater number of these bags to stores in Sunnyvale. However, any increase in truck trips related to paper and reusable bag delivery would be partially offset by the reduction in truck trips related to single-use plastic carryout bag delivery since under the proposed ordinance, plastic bags would be banned and therefore truck delivery would not be required. Nevertheless, as shown in Table 2, assuming a worst-case scenario that as a result of the proposed project the volume of existing plastic bags would be replaced by approximately 45% paper bags and 50% reusable bags with 5% of the total plastic bags remaining in use, the net increase in truck traffic resulting from the change in bag use would be less than one truck trip per day.

Truck trips would be expected to primarily utilize major regional transportation facilities (such as the Bayshore Freeway (U.S. 101), Junipero Serra Freeway (Interstate 280), and Stevens Creek Freeway (State Route 85)) and major arterials in the City (such as El Camino Real, Central Expressway and Lawrence Expressway). Delivery trucks may periodically travel on residential streets, but an increase of less than one truck trip per day would not cause a significant traffic

¹ *The Ordinances to Ban Plastic Carryout Bags in Los Angeles County Final Environmental Impact Report (SCH #2009111104). Adopted by the County of Los Angeles Board of Supervisors on November 16, 2010.*

² *Please note that this assumption (52 uses per year) was also utilized in the City of Santa Monica Single-Use Carryout Bag Ordinance Final Environmental Impact Report (SCH #2010041004), Adopted January 2011.*

³ *723,377 reusable bags per year = 37,615,601 million single-use plastic bags / 52 uses per year.*

impact at any existing intersections or street segments in Sunnyvale. Therefore, impacts related to the existing traffic load and capacity of the local street system would *less than significant* and further analysis in an EIR is not warranted.

Table 2
Estimated Truck Trips per Day
Following Implementation of the Proposed Single-use Carryout Bag Ordinance

Bag Type	Number of Bags per Year	Number of Bags per Truck Load**	Truck Trips Per Year	Truck Trips per Day
Single-use Plastic	3,761,560*	2,080,000	2	0.005
Single-use Paper	33,854,041*	217,665	155.53	0.43
Reusable	723,377*	108,862	6.64	0.018
Total			164	0.45
Existing Truck Trips for Plastic Bags			(35)	(0.1)
Net New Truck Trips			129	0.35

*Based on worst case scenario estimate of 5% existing plastic bag use in Sunnyvale (approximately 75,231,202 plastic bags per year) to remain, 45% conversion of the volume of existing plastic bag use in Sunnyvale to paper bags and 50% conversion to reusable bags (based on 52 uses per year).

**City of Santa Monica Single-Use Carryout Bag Ordinance EIR (SCH #2010041004), January 2011.

Items 37-42. Transportation – The proposed ordinance would not affect air traffic patterns, nor would it include any design features that could present traffic hazards. The ordinance would not conflict with adopted policies, plans, or programs regarding public transit or nonmotorized transportation, nor would it affect the multi-modal performance of the highway and/or street and/or rail and/or off road nonmotorized trail transportation facilities. Implementation of the proposed ordinance would not reduce, sever, or eliminate pedestrian or bicycle circulation or access, or preclude future planned and approved bicycle or pedestrian circulation, nor would it cause a degradation of the performance or availability of all transit including buses, light or heavy rail for people or goods movement. There would be *no impact* and further analysis in an EIR is not warranted.

Building	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
43. Hydrology and Water Quality - Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	FEMA Flood Insurance Rate Map Effective 5/18/09 www.sunnyvaleplanning.com , California Building Code, Title 16 (Building) of the Sunnyvale Municipal Code Project Description
44. Hydrology and Water Quality - Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	FEMA Flood Insurance Rate Map Effective 5/18/09 www.sunnyvaleplanning.com , California Building Code, Title 16 (Building) of the Sunnyvale Municipal Code Project Description
45. Hydrology and Water Quality - Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1995 ABAG Dam Inundation Map www.abag.ca.gov , California Building Code, Title 16 (Building) of the Sunnyvale Municipal Code Project Description
46. Geology and Soils - Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Municipal Code 12.60, Storm Water Quality Best Sunnyvale Management Practices Guideline Manual Project Description
47. Geology and Soils - Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Seismic Safety Sub-Element, www.sunnyvaleplanning.com California Plumbing, Mechanical, and Electrical Codes and Title 16 (Building) of the Sunnyvale

					Municipal Code
48. Geology and Soils - Be located on expansive soil, as defined by the current building code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	California Plumbing, Mechanical, and Electrical Codes and Title 16 (Building) of the Sunnyvale Municipal Code

Further Discussion:

Items 43, 44. Hydrology and Water Quality – According to the City of Sunnyvale General Plan Seismic Safety and Safety Sub-Element, portions of the City are located within the Federal Emergency Management Agency (FEMA) 100-year flood zone. However, the proposed ordinance involves prohibiting specified retail establishments in Sunnyvale from providing single-use plastic carryout bags to customers at the point of sale, and creating a mandatory charge for each paper bag distributed by these stores. The proposed ordinance would not involve construction of any new buildings or other physical development and, therefore, would not increase exposure of people or structures to significant flood hazards or impede or redirect flood flows. *No impact* would occur and further analysis of these issues in an EIR is not warranted.

Item 45. Hydrology and Water Quality – According to the City of Sunnyvale General Plan Seismic Safety and Safety Sub-Element, there is potential for flooding in the City in the event of failure of the Stevens Creek Dam. Tidal flooding could also occur if the system of dikes and levees failed or their banks overflowed. However, the proposed ordinance does not involve construction of any new buildings or other physical development and, therefore, would not subject people or structures to a significant risk of loss, injury or death involving flooding as a result of the failure of a levee or dam. There would be *no impact* and further analysis of this issue in an EIR is not warranted.

Items 46, 47, 48. Geology and Soils – The proposed Single-Use Carryout Bag Ordinance would not involve any physical development or construction activity; therefore, it would not increase the potential for erosion or loss of topsoil. In addition, the proposed ordinance would not have the potential to increase the potential for landslide, lateral spreading, subsidence, liquefaction, or collapse, and would not place structures or people in areas that are located on expansive soil, as defined in Table 1-B of the Uniform Building Code, creating substantial risks to life or property. *No impact* would occur and further analysis of these issues in an EIR is not warranted.

Engineering	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
49. Utilities and Service Systems - Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Project Description Sunnyvale Wastewater Management Sub-Element www.sunnyvaleplanning.com
50. Utilities and Service Systems - Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Project Description Sunnyvale Waste Water Management Sub-Element Water Resources Sub-Element www.sunnyvaleplanning.com
51. Utilities and Service Systems - Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description Sunnyvale Waste Water Management Sub-Element Water Resources Sub-Element www.sunnyvaleplanning.com
52. Utilities and Service Systems - Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Project Description Water Resources Sub-Element www.sunnyvaleplanning.com
53. Utilities and Service Systems - Result in a determination by the wastewater treatment provider which services or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Project Description Sunnyvale Wastewater Management Sub-Element www.sunnyvaleplanning.com

Engineering	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
provider's existing commitments?					
54. Utilities and Service Systems - Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sunnyvale Solid Waste Management Sub-Element www.sunnyvaleplanning.com
55. Hydrology and Water Quality - Violate any water quality standards or waste discharge requirements?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Regional Water Quality Control Board (RWQCB) Region 2 Municipal Regional Permit
56. Hydrology and Water Quality - Substantially degrade groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Santa Clara Valley Water District Groundwater Protection Ordinance www.valleywater.org
57. Hydrology and Water Quality - Otherwise substantially degrade water quality?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Project description Water Resources Sub-Element www.sunnyvaleplanning.com
58. Hydrology and Water Quality - Create or contribute runoff which would exceed the capacity of existing or planned storm water drainage systems in a manner which could create flooding or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	RWQCB, Region 2 Municipal Regional Permit, Stormwater Quality BMP Guidance Manual for New and Redevelopment Projects www.sunnyvaleplanning.com
59. Hydrology and Water Quality - Substantially alter the existing drainage pattern of the site or area,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Santa Clara Valley Water District (SCVWD) Guidelines

Engineering	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
including through the alteration of the course of a stream or river?					and Standards for Land Use Near Streams www.valleywater.org City of Sunnyvale Stormwater Quality Best Management Practices (BMP) Guidance Manual for New and Redevelopment Projects www.sunnyvaleplanning.com
60. Utilities and Service Systems - Comply with federal, state, and local statutes and regulations related to solid waste?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Solid Waste Management Sub-Element of the Sunnyvale General Plan www.sunnyvaleplanning.com
61. Public Services Infrastructure - Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description

Further Discussion:

Items 49, 50, 53. Utilities and Service Systems – The City of Sunnyvale is served by the Donald M. Somers Water Pollution Control Plant. Wastewater draining from indoor sources in Sunnyvale flows through sewer pipes that direct the wastewater to the Water Pollution Control Plant for treatment before being discharged to the San Francisco Bay. In addition to wastewater treatment, utility services by the City of Sunnyvale include regulatory permitting and

inspections of pretreatment facilities and storm water management for business and industry in Sunnyvale. The Plant is funded by user fees and operated by the City of Sunnyvale.

The proposed Single-Use Carryout Bag Ordinance would prohibit specified retail establishments in Sunnyvale from providing single-use plastic carryout bags to customers at the point of sale and create a mandatory charge for each paper bag distributed by these stores. The proposed ordinance would not involve any new buildings or other physical development and, therefore, would not directly cause an increase in the amount of wastewater generated. However, increased washing of reusable bags (for sanitary purposes) by City residents may incrementally increase wastewater generation. This increase of wastewater may exceed the City's contractual entitlement for flows to the Donald M. Somers Water Pollution Control Plant. Therefore, the proposed project could significantly affect the City's wastewater conveyance system. Impacts related to wastewater conveyance and treatment would be ***potentially significant*** and will be further analyzed in an EIR.

Item 51. Utilities and Service Systems – The proposed Single-Use Carryout Bag Ordinance would not involve any physical development or construction activities. As such, it would not increase impervious surface area that would create or contribute runoff water exceeding the capacity of existing or planned stormwater drainage systems. Further, by eliminating the use of plastic bags in Sunnyvale, the proposed project would incrementally reduce the amount of plastic bag litter that enters the storm drain systems. Plastic bags that enter the storm drain system may affect storm water flow by clogging drains and redirecting flow. By eliminating the potential for plastic bags to affect storm water flow, the proposed project would incrementally improve the effectiveness of the stormwater drainage systems in Sunnyvale. Therefore, the proposed ordinance would not require any new storm water drainage facilities or the expansion of existing facilities. *No impact* would occur and further analysis of this issue in an EIR is not warranted.

Item 52. Utilities and Service Systems – The City of Sunnyvale has four different sources of water supply: local groundwater from eight operating wells, imported Central Valley Project and Delta water from the Santa Clara Valley Water District (SCVWD), Hetch Hetchy and Sunol Valley water from the San Francisco Public Utilities Commission (SFPUC), and recycled water produced at the Sunnyvale Water Pollution Control Plant for non-potable use. The first three sources meet all State and Federal drinking water quality standards. Recycled water is used to meet strict State requirements for non-potable use wherever feasible to irrigate landscaping and meet any other acceptable watering needs under our permit with the Regional Water Quality Control Board. There are also a dozen service area pockets in Sunnyvale that receive water from the California Water Service Company (CAL Water) (City of Sunnyvale Public Works website, 2011).

The proposed ordinance would be expected to lead to an increase in the number of reusable bags consumed in Sunnyvale. Washing reusable bags for sanitary purposes (either in a washing machine or rinsing and wiping) by customers may incrementally increase water use in the City. The impact to water supply would be ***potentially significant*** and the potential for the increase in water use to exceed available supplies will be analyzed in an EIR.

Items 54, 60. Utilities and Service Systems – The City of Sunnyvale provides refuse collection service throughout the City. The Solid Waste and Recycling Division of the Public Works Department operates the solid waste management system. Key services include

collection of: garbage from residents, businesses and institutions; recyclables from single-family and multi-family residences, City facilities and schools; and yard trimmings from single-family residences. The Division also operates the Sunnyvale Materials Recovery and Transfer Station (SMaRT Station®) under an MOU among the cities of Mountain View, Palo Alto and Sunnyvale. The SMaRT Station MOU is coordinated with each city's landfill disposal agreement with Waste Management, Inc. Key services provided include receipt of garbage from the three cities, diversion of recyclable materials by the materials recovery facility (MRF), and transfer of the unrecycled portion to Kirby Canyon Landfill in San Jose. In addition to the Kirby Canyon Landfill, some solid waste from Sunnyvale is disposed at the Potrero Hills Landfill, the Zanker Road Landfill, and other disposal sites around the state.

The intent of the Single-Use Carryout Bag Ordinance is to reduce the number of single-use carryout bags distributed by retailers, and promote a shift toward the use of reusable bags by Sunnyvale retail customers. The proposed ordinance does not involve any physical development or construction activities. The shift toward reusable bags would reduce the amount of single-use plastic carryout bags sent to local landfills. However, the proposed ordinance may result in a temporary increase in the number of paper bags and a permanent increase in the number of reusable bags that are currently used in the City. As such, the proposed Single-Use Carryout Bag Ordinance may incrementally increase the amount of solid waste generated related to these types of bags. Impacts to the City's solid waste collection and disposal system would be **potentially significant** and this issue will be further analyzed in an EIR.

Items 55, 57. Hydrology and Water Quality – The proposed Single-Use Carryout Bag Ordinance would not involve any physical development or construction activities, but rather is intended to reduce the use of single-use carryout bags by retail customers in Sunnyvale and promote the use of reusable bags. It is anticipated that the reduction of single-use carryout bags would incrementally reduce the amount of litter in the City that enters storm drains, thereby improving water quality. However, the increased use of reusable bags could also potentially affect water quality if reusable bags are improperly disposed of and become litter that enters the storm drain system. In addition, although overall carryout bag use is anticipated to decline as a result of the proposed ordinance, the EIR will also analyze whether the shift toward reusable bags and paper bags could potentially affect water quality as a result of processing activities related to bag production. Consequently, impacts related to water quality standards and waste discharge requirements are considered **potentially significant** and will be further analyzed in an EIR.

Item 56. Hydrology and Water Quality – The proposed Single-Use Carryout Bag Ordinance would not substantially deplete groundwater supplies or significantly reduce groundwater recharge, as it would not involve any buildings or other physical development. However, as discussed above, the proposed ordinance would be expected to lead to an increase in the number of reusable bags consumed in Sunnyvale. Washing reusable bags for sanitary purposes (either in a washing machine or rinsing and wiping) by customers may incrementally increase water use in the City. The impact to water supply and any impacts associated with groundwater supplies as a result of the increase in water use associated with the proposed project is **potentially significant** and will be analyzed in an EIR.

Items 58, 59. Hydrology and Water Quality – The Single-Use Carryout Bag Ordinance would not involve any physical development or construction activities. As such, the ordinance would

not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. The proposed ordinance would not alter the course of any stream or other drainage and would not increase the potential for flooding. Because the proposed Single-Use Carryout Bag Ordinance does not involve any new buildings or other physical development, no stream or river would be altered and the rate or amount of surface runoff would not change compared to existing conditions. Therefore, there would be *no impact* and further analysis of these issues in an EIR is not warranted.

Item 61. Public Services and Infrastructure – The proposed ordinance would not involve any new development or land use changes within the city. In addition, it would not result in an increase in population or employment; therefore, the project would not require the provision of new or physically altered government facilities. There would be *no impact* and further analysis of this issue in an EIR is not warranted.

Public Safety – Hazardous Materials	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
62. Public Services Police and Fire protection - Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Law Enforcement Sub-Element Sunnyvale Fire Services Sub-Element Safety and Seismic Safety Sub-Element www.sunnyvaleplanning.com
63. Public Services Police and Fire protection - Would the project result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	California Building Code SMC Section 16.52 Fire Code

Further Discussion:

Item 62. Public Services Police and Fire – Police and fire protection services in Sunnyvale are provided by the City of Sunnyvale Department of Public Safety. The proposed Single-Use Carryout Bag Ordinance would not involve any new development or land use changes, nor would the ordinance result in an increase in population or employment in the City. Therefore, the project would not place an additional burden on the Department of Public Safety (including fire or police staff). The proposed project would not result in the need to construct new or altered fire protection or police facilities. There would be *no impact* and further analysis of this issue in an EIR is not warranted.

Item 63. Public Services Police and Fire – The project would not result in inadequate emergency access or inadequate parking capacity because the proposed ordinance does not involve not include any new buildings or other physical development. Although the proposed project may result in up to one additional truck trips per day, the existing emergency access and parking capacity in Sunnyvale would not be significantly affected by the proposed ordinance. The impact would be *less than significant* and further analysis of these issues in an EIR is not warranted.

Public Safety – Hazardous Materials	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
64. Hazards and Hazardous Materials - Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description
65. Hazards and Hazardous Materials - Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description
66. Hazards and Hazardous Materials - Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description
67. Hazards and Hazardous Materials - Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description Hazardous Waste & Substances List (State of California) List of Known Contaminants in Sunnyvale
68. Hazards and Hazardous Materials - Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Seismic Safety and Safety Sub-Element of the Sunnyvale General Plan www.sunnyvaleplanning.com

Further Discussion:

Items 64, 65, 66. Hazards and Hazardous Materials – The proposed Single-Use Carryout Bag Ordinance would prohibit specified retail establishments in Sunnyvale from providing single-use plastic carryout bags to customers at the point of sale, and would create a mandatory charge for each paper bag distributed by these stores. The intent of the ordinance is to reduce the number of single-use carryout bags distributed by retailers and to promote a shift toward reusable bag use by Sunnyvale retail customers. Although hazardous materials may be used in the process to manufacture single-use plastic, single-use paper and reusable bags, there are no manufacturing

facilities within Sunnyvale and any existing or potential manufacturing facilities that manufacture bags would be required to continue to adhere to the requirements of the California Health and Safety Code (Section 25531-25543.3), which establishes a program for the prevention of accidental releases of regulated substances. With adherence to Health and Safety Code Section 25531-25543.3, carryout bag manufacturing facilities would be required to prepare and update a Risk Management Plan (RMP) that is designed to increase the protection of public health, the environment, and facility employees by ensuring proper emergency response and mitigation procedures when handling regulated substances and also assists the local government agencies in their communication and coordination efforts to improve facility safety while handling chemicals and hazardous materials. In addition, the completed product for each type of bag addressed by the ordinance would not be a hazardous material. As such, the Single-Use Carryout Bag Ordinance would not involve the routine transport, use or disposal of hazardous substances. Moreover, the proposed ordinance would not involve any type of construction or activities that would require the use of hazardous materials or that would result in the release of hazardous materials into the environment. Although existing schools are located throughout Sunnyvale, implementation of the proposed ordinance would not generate hazardous emissions and, therefore, would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school. Thus, there would be *no impact* and further analysis of these issues in an EIR is not warranted.

Item 67. Hazards and Hazardous Materials – Hazardous materials sites are present within Sunnyvale. However, the proposed ordinance would prohibit specified retail establishments in Sunnyvale from providing single-use plastic carryout bags to customers at the point of sale, and would create a mandatory charge for each paper bag distributed by these stores. This action would not involve development or construction of any structures that would be located on a hazardous materials site. Consequently, there would be *no impact* related to creating a significant hazard to the public or environment as a result being located on a hazardous material site and further analysis of this issue in an EIR is not warranted.

Item 68. Hazards and Hazardous Materials – The proposed ordinance involves prohibiting specified retail establishments in Sunnyvale from providing single-use plastic carryout bags to customers at the point of sale, and creating a mandatory charge for each paper bag distributed by these stores. The proposed Single-Use Carryout Bag Ordinance does not involve any physical development or construction activities. However, the ordinance would result in less than one new truck trip per day. Nevertheless, this change in traffic associated with the ordinance would not conflict with an adopted emergency response plan or emergency evacuation plan and would not interfere with traffic on existing streets or through existing neighborhoods. The impacts would be *less than significant* and further analysis of this issue in an EIR is not warranted.

Community Services	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
69. Public Services Parks - Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Open Space & Recreation Sub-Element www.sunnyvaleplanning.com Project Description
70. Recreation - Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Open Space & Recreation Sub-Element www.sunnyvaleplanning.com Project Description
71. Recreation - Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Open Space & Recreation Sub-Element www.sunnyvaleplanning.com Project Description

Further Discussion:

Item 69. Public Services Parks – The City of Sunnyvale operates 17 public park facilities located throughout the City providing a variety of recreational opportunities for residents and visitors. The proposed Single-Use Carryout Bag Ordinance would not involve the construction of residences or other facilities that would directly affect parks or increase demand for recreational services; therefore, the project would not increase the demand for parks in the city. The proposed project would not result in the need for new or altered parks. There would be *no impact* and further analysis of this issue in an EIR is not warranted.

Items 70, 71. Recreation – The proposed Single-Use Carryout Bag Ordinance would not involve the construction of residences. Therefore, the project would not increase the demand for recreation facilities, nor would it alter existing recreation facilities or require the construction for any new facilities. There would be *no impact* and further analysis of these issues in an EIR is not warranted

ENVIRONMENTAL CHECKLIST REFERENCE LIST

Initial Study Checklist

Project Name: Single-Use Carryout Bag Ordinance

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City of Sunnyvale General Plan:

- A. General Plan Map
- B. Air Quality Sub-Element (1993)
- C. Arts Sub-Element (1995)
- D. Community Design Sub-Element (1990)
- E. Community Engagement Sub-Element (2007)
- F. Fire Services Sub-Element (1995)
- G. Community Vision (2007)
- H. Fiscal Sub-Element (2006)
- I. Heritage Preservation Sub-Element (1995)
- J. Housing & Community Revitalization Sub-Element (2009)
- K. Land Use & Transportation Sub-Element (1997)
Revised 4/28/09 with Allocation of Street Space Policies
- L. Law Enforcement Sub-Element (1995)
- M. Legislative Management Sub-Element (1999)
- N. Library Sub-Element (2003)
- O. Noise Sub-Element (1997)
- P. Open Space and Recreation Sub-Element (2006) *Updated with Parks of the Future Study 4/28/2009. Revised 4/24/09.*
- Q. Safety & Seismic Safety Sub-Element (2008)
- R. Socio-Economic Sub-Element (1989)
- S. Solid Waste Management Sub-Element (1996)
- T. Support Services Sub-Element (1988)
- U. Surface Run-off Sub-Element (1993)
- V. Wastewater Management Sub-Element (1996)
- W. Water Resources Sub-Element (2008)

City of Sunnyvale Municipal Code:

- A. Title 8 Health and Sanitation
- B. Title 9 Public Peace, Safety or Welfare
- C. Title 10 Vehicles and Traffic
- D. Title 12 Water and Sewers
- E. Chapter 12.60 Storm Water Management
- F. Title 13 Streets and Sidewalks
- G. Title 16 Buildings and Construction
- H. Chapter 16.52 Fire Code
- I. Chapter 16.54 Building Standards for Buildings Exceeding Seventy –Five Feet in Height
- J. Title 18 Subdivisions
- K. Title 19 Zoning
- L. Chapter 19.28 Downtown Specific Plan District
- M. Chapter 19.29 Moffett Park Specific plan District
- N. Chapter 19.39 Green Building Regulations
- O. Chapter 19.42 Operating Standards
- P. Chapter 19.54 Wireless Telecommunication Facilities
- Q. Chapter 19.81 Streamside Development Review

- R. Chapter 19.96 Heritage Preservation
- S. Title 20 Hazardous Materials

Specific Plans:

- A. Downtown Specific Plan
- B. El Camino Real Precise Plan
- C. Lockheed Site Master Use Permit
- D. Moffett Park Specific Plan
- E. 101 & Lawrence Site Specific Plan
- F. Southern Pacific Corridor Plan
- G. Lakeside Specific Plan
- H. Arques Campus Specific Plan

Environmental Impact Reports:

- A. Futures Study Environmental Impact Report
- B. Lockheed Site Master Use Permit Environmental Impact Report
- C. Tasman Corridor LRT Environmental Impact Study (supplemental)
- D. Kaiser Permanente Medical Center Replacement Center Environmental Impact Report (City of Santa Clara)
- E. Downtown Development Program Environmental Impact Report
- F. Caribbean-Moffett Park Environmental Impact Report
- G. Southern Pacific Corridor Plan Environmental Impact Report
- H. East Sunnyvale ITR General Plan Amendment EIR
- I. Palo Alto Medical Foundation Medical Clinic Project EIR
- J. Luminaire (Lawrence Station Road/Hwy 237 residential) EIR
- K. NASA Ames Development Plan Programmatic EIS
- L. Mary Avenue Overpass EIR
- M. Mathilda Avenue Bridge EIR

Maps:

- A. General Plan Map
- B. Zoning Map
- C. City of Sunnyvale Aerial Maps
- D. Flood Insurance Rate Maps (FEMA)
- E. Santa Clara County Assessors Parcel
- F. Utility Maps
- G. Air Installations Compatible Use Zones (AICUZ) Study Map
- H. Noise Sub-Element Appendix A 2010 Noise Conditions Map

Note: All references are the most recent version as of the date the Initial Study was prepared.

ENVIRONMENTAL CHECKLIST REFERENCE LIST

Lists / Inventories:

- A. Sunnyvale Cultural Resources Inventory List
- B. Heritage Landmark Designation List
- C. Santa Clara County Heritage Resource Inventory
- D. Hazardous Waste & Substances Sites List (State of California)
- E. List of Known Contaminants in Sunnyvale
- F. USFWS / CA Dept. F&G Endangered and Threatened Animals of California
<http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/TEAnimals.pdf>
- G. USFWS / CA Dept. F&G Endangered, Threatened and Rare Plants of California
<http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/TEPlants.pdf>

Legislation / Acts / Bills / Resource Agency

Codes and Permits:

- A. Subdivision Map Act
- B. San Francisco Bay Region Municipal Regional Stormwater NPDES Permit
- C. Santa Clara County Valley Water District Groundwater Protection Ordinance
- D. The Hazardous Waste and Substance Site List
www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm
- E. The Leaking Underground Petroleum Storage Tank List
www.geotracker.waterboards.ca.gov
- F. The Federal EPA Superfund List
www.epa.gov/region9/cleanup/california.html
Section 404 of Clean Water Act

Transportation:

- A. California Department of Transportation Highway Design Manual
- B. California Department of Transportation Traffic Manual
- C. California Department of Transportation Standard Plans & Standard Specifications
- D. Highway Capacity Manual
- E. Institute of Transportation Engineers - Trip Generation Manual & Trip Generation Handbook
- F. Institute of Transportation Engineers - Traffic Engineering Handbook
- G. Institute of Transportation Engineers - Manual of Traffic Engineering Studies
- H. Institute of Transportation Engineers - Transportation Planning Handbook
- I. Institute of Transportation Engineers - Manual of Traffic Signal Design
- J. Institute of Transportation Engineers - Transportation and Land Development

- K. U.S. Dept. of Transportation Federal Highway Administration Manual on Uniform Traffic Control Devices for Street and Highways & CA Supplements
- L. California Vehicle Code
- M. Santa Clara County Congestion Management Program and Technical Guidelines
- N. Santa Clara County Transportation Agency Short Range Transit Plan
- O. Santa Clara County Transportation Plan for 2035
- P. Traffic Volume Studies, City of Sunnyvale Public Works Department of Traffic Engineering Division
- Q. Statewide Integrated Traffic Records System
- R. Sunnyvale Zoning Ordinance – including Titles 10 & 13
- S. City of Sunnyvale General Plan – Land Use and Transportation Element
- T. City of Sunnyvale Bicycle Plan
- U. City of Sunnyvale Neighborhood Traffic Calming Program
- V. Valley Transportation Authority Bicycle Technical Guidelines
- W. Valley Transportation Authority Community Design & Transportation – Manual of Best Practices for Integrating Transportation and Land Use
- X. Santa Clara County Sub-Regional Deficiency Plan
- Y. City of Sunnyvale Deficiency Plan
- Z. AASHTO: A Policy on Geometric Design of Highways and Streets
- AA. City of Sunnyvale Pedestrian and Bicycle Opportunities Studies
- BB. Valley Transportation Authority Operations Performance Report

Public Works:

- A. Standard Specifications and Details of the Department of Public Works
- B. Storm Drain Master Plan
- C. Sanitary Sewer Master Plan
- D. Water Master Plan
- E. Solid Waste Management Plan of Santa Clara County
- F. Geotechnical Investigation Reports
- G. Engineering Division Project Files
- H. Subdivision and Parcel Map Files

ENVIRONMENTAL CHECKLIST REFERENCE LIST

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Miscellaneous Agency Plans:

- A. ABAG Projections 2010
- B. Bay Area Clean Air Plan
- C. BAAQMD CEQA Guidelines
- D. Criteria of the National Register of Historic Places

Building Safety:

- A. California Building Code
- B. California Energy Code
- C. California Plumbing Code
- D. California Mechanical Code
- E. California Electrical Code
- F. California Fire Code
- G. Title 16.52 Sunnyvale Municipal Code
- H. Title 16.53 Sunnyvale Municipal Code
- I. Title 16.54 Sunnyvale Municipal Code
- J. Title 19 California Code of Regulations

Guidelines and Best Management Practices

- A. Storm Water Quality Best Management Practices Guidelines Manual 2007
- B. Sunnyvale Citywide Design Guidelines
- C. Sunnyvale Industrial Guidelines
- D. Sunnyvale Single-Family Design Techniques
- E. Sunnyvale Eichler Guidelines
- F. Blueprint for a Clean Bay
- G. SCVWD Guidelines and Standards for Land Use Near Streams
- H. The United States Secretary of the Interior 's Guidelines for Rehabilitation
- I. Criteria of the National Register of Historic Places

Additional Project References:

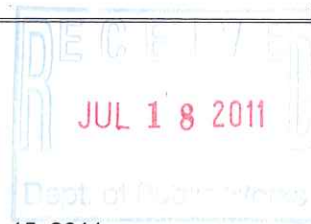
- A. Project Description
- B. Sunnyvale Project Environmental Information Form
- C. Project Development Plans dated **/**/**
- D. Project Traffic Impact Analysis
- E. Project Noise Study
- F. Project Air Quality Analysis
- G. Field Inspection
- H. Project Site Plan dated **/**/**
- I. Project construction schedule
- J. Project Draft Storm Water Management Plan
- K. Project Tree Inventory
- L. Project Tree Preservation Plan
- M. Project Green Building Checklist
- N. Project LEED Checklist

Other:

- A. Green Cities California, Master Environmental Assessment on Single-Use and Reusable Bags, March 2010.
- B. City of Santa Monica Single-Use Carryout Bag Ordinance Final Environmental Impact Report (SCH #2010041004). Adopted January 2011.
- C. The Ordinances to Ban Plastic Carryout Bags in Los Angeles County Final Environmental Impact Report (SCH #2009111104). Adopted by the County of Los Angeles Board of Supervisors on November 16, 2010.
- D. California Integrated Waste Management Board (CIWMB). 2007. Resolution, Agenda Item 14, June 12, 2007 Board Meeting.
- E. California Department of Finance, City/County State Population Estimates with Annual Percent Change, January 2011.

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax



July 15, 2011

Mark Bowers
City of Sunnvale
P.O. Box 3707
Sunnyvale, CA 94088

RE: SCH# 2011062032 Single Use Carryout Bag Ordinance; Santa Clara County.

Dear Mr. Bowers:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Preparation (NOP) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. **USGS 7.5 minute quadrangle name, township, range and section required.**
 - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached.**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Katy Sanchez
Katy Sanchez
Program Analyst
(916) 653-4040

cc: State Clearinghouse

Native American Contact List
Santa Clara County
July 15, 2011

Indian Canyon Mutsun Band of Costanoan
Ann Marie Sayers, Chairperson
P.O. Box 28
Hollister , CA 95024
ams@indiancanyon.org
831-637-4238

Ohlone/Costanoan

Amah/Mutsun Tribal Band
Irene Zwierlein, Chairperson
789 Canada Road
Woodside , CA 94062
amah_mutsun@yahoo.com
(650) 851-7747 - Home
(650) 851-7489 - Fax

Ohlone/Costanoan

Jakki Kehl
720 North 2nd Street
Patterson , CA 95363
jakki@bigvalley.net
(209) 892-1060

Ohlone/Costanoan

Amah Mutsun Tribal Band
Edward Ketchum
35867 Yosemite Ave
Davis , CA 95616
aerieways@aol.com

Ohlone/Costanoan
Northern Valley Yokuts

Trina Marine Ruano Family
Ramona Garibay, Representative
30940 Watkins Street
Union City , CA 94587
soaprootmo@msn.com
510-972-0645-home
209-688-4753-cell

Ohlone/Costanoan
Bay Miwok
Plains Miwok
Patwin

Amah/Mutsun Tribal Band
Joseph Mondragon, Tribal Administrator
882 Bay view Avenue
Pacific Grove, CA 94062
831-372-9015
831-372-7078 - fax

Ohlone/Costanoan

Amah Mutsun Tribal Band
Valentin Lopez, Chairperson
PO Box 5272
Galt , CA 95632
vlopez@amahmutsun.org
(916) 481-5785

Ohlone/Costanoan

Amah/Mutsun Tribal Band
Melvin Ketchum III, Environmental Coordinator
7273 Rosanna Street
Gilroy , CA 95020
408-842-3220

Ohlone/Costanoan

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for proposed SCH# 2011062032 Single Use Carryout Bag Ordinance; Santa Clara County.

Native American Contact List
Santa Clara County
July 15, 2011

Muwerkma Ohlone Indian Tribe of the SF Bay Area
Rosemary Cambra, Chairperson
2574 Seaboard Avenue Ohlone / Costanoan
San Jose , CA 95131
muwerkma@muwerkma.org
408-205-9714
510-581-5194

Amah/Mutsun Tribal Band
Jean-Marie Feyling
19350 Hunter Court Ohlone/Costanoan
Redding , CA 96003
jmfgmc@sbcglobal.net
530-243-1633

The Ohlone Indian Tribe
Andrew Galvan
PO Box 3152 Ohlone/Costanoan
Fremont , CA 94539 Bay Miwok
chochenyo@AOL.com Plains Miwok
(510) 882-0527 - Cell Patwin
(510) 687-9393 - Fax

Linda G. Yamane
1585 Mira Mar Ave Ohlone/Costanoan
Seaside , CA 93955
rumsien123@yahoo.com
831-394-5915

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for proposed SCH# 2011062032 Single Use Carryout Bag Ordinance; Santa Clara County.

Report from the Plastic Bag Subcommittee Regarding a Regional Approach to Single-Use Carryout Bags

**Jason Baker
Jim Griffith
Steve Tate**

Introduction

19 billion single-use plastic carryout bags are used in the state of California each year. These bags have a negative impact on wildlife, solid waste collection and recycling, and their widespread use costs local jurisdictions significant amounts of money in labor and equipment maintenance. As a result, several local jurisdictions have adopted or are pursuing adoption of plastic bag bans.

It appeared that the state would adopt a state-wide ban late last year, in the form of AB 1998, supported by Governor Schwarzenegger and the California Grocers Association. However, eleventh-hour lobbying by the American Chemistry Council caused the effort to fall short in the State Senate.

Sustainability

The debate over a plastic bag ban invariably leads to a discussion of the merits and costs of plastic versus paper bags. Plastic bags are widely viewed as the lesser choice, because they are made from non-renewable resources and because they do not biodegrade, two facts that are not true of paper bags. However, paper bags are in reality no more sustainable than plastic bags, in terms of the full product life cycles. The manufacture of paper requires large quantities of water, itself a limited resource. Additionally, the energy requirement for paper production also relies heavily on fossil fuels.

To an extent, the discussion of sustainability becomes waylaid when it delves into the debate of paper vs. plastic. For the purpose of establishing sustainable practices, the true goal is to eliminate all single-use practices, whatever the use, whatever the material being used. Towards that end, practices which encourage multi-use materials, such as reusable bags made of cloth or other durable materials, better decrease dependence on non-renewable resources, while contributing toward the overall zero waste goal. Nevertheless, the permanent nature of plastic bags gives paper the edge when single-use bags must be tolerated, particularly when high recycled content percentages are additionally required of paper bags.

Plastic Bag Impact

The actual impact of plastic bags is two-fold. Plastic grocery bags become a litter source far more easily than other bags, or even other single-use containers, because their lightweight nature causes them to go airborne quite easily. The result of this is that lightweight bags scatter to a much greater degree than those made from other materials, eventually finding their way to a water body and out to the ocean. In large water bodies, these bags never decompose, but break down into small pieces, entering the food chain or becoming a part of larger collections of floating refuse, like the Great Pacific Garbage Patch.

Managing to capture these bags creates additional problems for jurisdictions. In waste stations, the ultra-thin nature of bags causes them to wrap around and clog waste facility machinery. The Sunnyvale SMaRT Station® has an expensive and labor-intensive daily process to clean plastic bag refuse from its machinery.



Figure 1: Sunnyvale SMaRT Station Trommel, clogged with plastic bags



Figure 2: Cleaned Trommel

Similarly, Sunnyvale has litter-capturing devices designed to prevent plastics and other trash from being carried to creeks by storm run-off, and these devices must be frequently cleared of plastic bag debris.



Figure 3: storm drain retrofit device clogged with plastic bags

Alternative Approach

In response to the hazards posed by single-use plastic bags, several governmental agencies world-wide have advocated for or outright mandated multi-use bags, so as to minimize the energy and material requirements per bag use. A 2004 study on behalf of the French chain Carrefour discovered that after its third use, a reusable bag requires less energy than a single-use plastic bag.

Ireland is generally considered to be the case study for the effectiveness of a ban/fee combination. They instituted a mandatory fee of approximately \$0.21 for single-use plastic bags in 2002. After adoption of the fee, plastic bag use decreased 94%, and the presence of plastic bags in the waste stream dropped from 5% of the overall content to 0.32%. Ireland also discovered that the effectiveness of the fee decreased over time. As a result, the Irish government increased the fee to \$0.31 in 2007, and it saw a corresponding decrease in bag usage.

The Importance of Regional Action

Accepting the need for a plastic bag ban, two factors point to the importance of such a ban being adopted regionally. From a political perspective, when a city considers adopting a ban, a serious impediment is

the perception by policy makers that adopting a ban will put a city at an economic disadvantage as compared to neighboring cities that have not adopted a ban. Policy makers take into account that a ban may cause consumers to instead choose to shop at nearby stores in neighboring cities that do not have a ban. This sense of disadvantage can be a significant factor in whether or not jurisdictions adopt bans. Even when bans are adopted, differences in local ordinances can lead to shoppers' confusion as to whether they or merchants are correctly obeying local ordinances.

From a practical perspective, waste facilities tend to serve multiple cities. For example, the Sunnyvale SMaRT Station also serves residents of Mountain View and Palo Alto and many of the various recycling facilities in San Jose likewise each serve multiple cities. While cities can pass ordinances governing their own residents, they have no ability to regulate the behavior of residents of other cities. This renders cities unable to take effective action to prevent plastic bags from damaging waste facility machinery. Similarly, the responsibility for keeping clean the various county waterways falls to specific cities, but the plastic bags which enter those waterways do not strictly come from residents of the responsible cities or from businesses operating in those cities.

Both the practical and political problems inherent in the use of plastic bags point to the need for a regional strategy, or in individual municipalities acting in concert with a common vision.

Alternatives to a Ban

Opponents of a ban (particularly the American Chemistry Council and Save the Plastic Bag) tout recycling programs as an alternative to an all-out ban. In practice, plastic bags can only be recycled if they are relatively clean and free of contaminants, which is rarely the case for bags that have been used by consumers. Due to this, there is a very small and largely ineffective recycling market for such materials. Only 5% of plastic bags are actually recycled, a figure that includes recycling of clean bags from pre-consumer and industrial sources. In comparison, paper bags are recycled at a much higher rate¹ and can be easily recycled by nearly every household in Santa Clara County.

Consumers frequently defend the use of plastic bags by pointing out that they, themselves, reuse grocery bags to dispose of garbage or pet waste, thus filling them with waste and ensuring they make it to landfill. However, in practice, the first step in modern waste processing is to use sharp metal teeth to break bags into small pieces, so as to expose recyclable material inside to subsequent sorting processes. These small pieces are again prone to going airborne and escaping. Many bags also escape during garbage collection and transportation and at landfills themselves.

Status of Local Ban Efforts

- The City of Palo Alto implemented a ban on single-use plastic bags at its seven largest grocery stores in September, 2009, using a Mitigated Negative Declaration. This was challenged in court by plastic bag manufacturers, and the settlement allowed the ban to stand, with the understanding that any attempt to expand the ban would require the city to draft an EIR. Palo Alto is currently considering such an expansion.
- The City of San Jose passed a ban on single-use plastic bags by all retailers (excluding restaurants, non-profits, social organizations, and allowing bag use for fresh meat/produce/bakery items and certain paper goods), to take effect in January, 2012, allowing retailers to sell paper bags with a

¹ US Environmental Protection Agency, November 28, "Table 21: Recovery of Products in Municipal Solid Waste, 1960 to 2007." *Municipal Solid Waste in the United States: 2007 Facts and Figures*.

minimum 40% recycled content for \$0.10, to increase to \$0.25 in two years. The San Jose ban involved an EIR.

- The County of Santa Clara passed a ban on single-use plastic bags by retailers (excluding restaurants, non-profits, social organizations, and allowing bag use for fresh meat/produce/bakery items and certain paper goods) in April, 2011, allowing retailers to sell 100% recycled bags with a minimum 40% post-consumer waste for \$0.15. The Board of Supervisors adopted a Negative Declaration of environmental impact in approving the ordinance.
- The City of Sunnyvale has approved drafting an EIR on a potential single-use bag ban. Rincon Consultants, Inc. has been hired to prepare the EIR and the ordinance is scheduled to return to Council later this year. The proposed ban would apply to supermarkets with gross sales in excess of \$2 million per year, pharmacies and other large retailers with more than 10,000 square feet of floor space, and other food and beverage stores. Retailers can provide paper bags with at least 40% recycled content for a charge of at least \$0.15 per bag.
- The City of Milpitas is considering a ban and has directed staff to return with further research, a review of San Jose's EIR, results of public outreach on the subject, and a study of other single-use items such as those using expanded polystyrene (EPS).
- The Cities of Campbell, Cupertino, Los Altos, Los Gatos, and Mountain View have passed resolutions supporting a regional approach to the issue.
- The City of Los Altos has stated its objection to a bag fee, and its Environmental Commission is considering a bag use recommendation.
- The Santa Clara County Recycling and Waste Reduction Commission recommended both in April 2009 and February 2010 that all 16 county jurisdictions establish bans on all retailers except for restaurants, fast food establishments, exempting non-profit reuse stores (Goodwill) for one year if they have a reusable bag credit program.

Similar bans have been enacted in San Francisco, Oakland, Los Angeles County and Marin County. The Oakland ban was rescinded by court order after the city attempted its ban with a CEQA conditional exemption and no EIR. Marin County more recently adopted a ban using a conditional exemption and is deliberately taking on a legal challenge to that decision.

Legal Challenges

Two significant legal challenges exist to enforcing plastic bag bans. The first is posed by organizations such as the American Chemistry Council and Save the Plastic Bag, both of which have challenged bans that have not included an EIR. It is left to jurisdictions to decide if a ban falls under the requirements of the California Environmental Quality Act (CEQA), and jurisdictions which have opted not to draft an EIR have found themselves subject to legal challenges.

Manhattan Beach's use of a Negative Declaration to adopt an ordinance that banned plastic bags (without a mandatory charge on other single-use bags) was successfully challenged by Save the Plastic Bag Coalition at the trial and appeals court levels. The California Supreme Court accepted the City's appeal of the lower court decisions requiring an EIR, and it heard arguments in the case on May 4, 2011.

The second legal challenge may be posed by Proposition 26. The San Jose and Santa Clara County bans circumvented the Prop. 26 issue by refraining from having the government agency charging and collecting a bag fee themselves, but rather by allowing retailers to charge a mandatory fee as a cost recovery mechanism. The facts that the fee is directly imposed by (and goes to) retailers and that it is for cost recovery are seen by agencies' staffs as sufficient to survive a Prop. 26 challenge. To date, there have been no such challenges on bag fees within California.

Recommendation

- 1) In the interest of regional consistency, it is recommended that the Cities Association encourage its member cities to adopt ordinances restricting the distribution of single-use carryout bags.
- 2) It is further recommended that the Cities Association encourage its member cities to follow the San Jose process and ordinance as a model for their own ordinances.
- 3) It is further recommended that the Cities Association encourage its member cities to adopt ordinances in accordance with California Environmental Quality Act (CEQA) requirements, using the San Jose EIR as a template for drafting their own EIRs.
- 4) It is further recommended that cities establish a maximum fee of \$2 in fees per patron per purchase for the first three years of adoption of a single-use carryout bag ordinance, with no maximum after three years of adoption. This is in accordance with recommendations from the County Recycling and Waste Reduction Commission, which included this cap to minimize the impact of ordinances on low-income customers.
- 5) It is further recommended that the Cities Association encourage those cities which adopt ordinances to monitor their effectiveness, increasing bag fees as appropriate to maintain the effectiveness of such restrictions.

Respectfully submitted by Jason Baker, Jim Griffith, and Steve Tate, representing the Plastic Bag Subcommittee.

350 Frank H. Ogawa Plaza, Suite 900
Oakland, CA 94612-2016

t. 510.452.9261
f. 510.452.9266

saveSFbay.org

June 27, 2011

Sunnyvale City Council
456 W. Olive Ave.
Sunnyvale, CA 94088

RE: Single-use carryout bag ordinance

Dear Mayor Hamilton and Council Members:

As the oldest and largest organization working to protect and restore San Francisco Bay, Save The Bay urges you to support a strong ban on single-use bags in Sunnyvale modeled after the City of San Jose's ordinance – an approach that is supported by the Santa Clara County Cities Association. The Initial Study prepared by staff currently defines a scope that deviates significantly from San Jose's ordinance, which would create inconsistency for business owners and compromise the effectiveness of a ban.

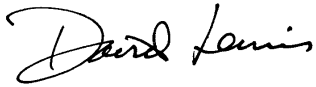
San Jose's single-use bag ordinance applies to all retailers, the only exception being non-profit charities. This approach provides consistency for local businesses and consumers and addresses a large portion of the bags entering the city's waste and litter streams. We have been encouraging cities not only in Santa Clara County, but all over the Bay Area, to model their ordinances after San Jose's as a step toward regional consistency. On June 9th, the Santa Clara County Cities Association approved a report on plastic bags recommending that its member cities "follow the San Jose process and ordinance as a model for their own ordinances." We strongly encourage Sunnyvale to follow these recommendations in an effort to support a truly regional approach to eliminating single-use bag pollution.

We are also concerned about how single-use plastic bags are defined in the Initial Study. It currently states that single-use plastic carryout bags are bags made from petroleum or bio-based plastic that are less than 2.25 mils thick. Thicker plastic bags could be considered "reusable" and become the new single-use plastic bags, as stores are permitted to distribute reusable bags for free (per the Initial Study). This is the situation currently facing San Francisco; several stores began to give away plastic bags that were over 2.25 mils in thickness, which are often treated by consumers as a single-use product. This defeated the ordinance's ultimate goal of transitioning consumers to reusable bags. San Francisco is now exploring options to remedy this loophole (please see the attached letter from Supervisor Ross Mirkarimi). We encourage the City of Sunnyvale to strengthen its definition of single-use plastic bags in order to avoid this situation.

Thank you for considering our concerns. We look forward to supporting the City of Sunnyvale as you move forward with a strong, effective bag ordinance.



Sincerely,

A handwritten signature in black ink that reads "David Lewis". The signature is fluid and cursive, with the first name "David" and last name "Lewis" clearly distinguishable.

David Lewis
Executive Director

Attachments: Santa Clara County Cities Association *Report from the Plastic Bag Subcommittee
Regarding a Regional Approach to Single-Use Carryout Bags*
Letter from San Francisco Supervisor Ross Mirkarimi



Appendix B

Air Quality URBEMIS Results

Proposed Ordinance

Page: 1

7/21/2011 9:23:13 AM

Urbemis 2007 Version 9.2.4

Combined Summer Emissions Reports (Pounds/Day)

File Name:

Project Name: Sunnyvale Single-Use Carryout Bag Ordinance

Project Location: Santa Clara County

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

Operational Unmitigated Detail Report:

OPERATIONAL EMISSION ESTIMATES Summer Pounds Per Day, Unmitigated

<u>Source</u>	ROG	NOX	CO	SO2	PM10	PM25	CO2
Single-Use Carryout Bag Ordinance	0.00	0.05	0.02	0.00	0.01	0.00	10.72
TOTALS (lbs/day, unmitigated)	0.00	0.05	0.02	0.00	0.01	0.00	10.72

Operational Settings:

Does not include correction for passby trips

Does not include double counting adjustment for internal trips

Analysis Year: 2013 Temperature (F): 85 Season: Summer

Emfac: Version : Emfac2007 V2.3 Nov 1 2006

Summary of Land Uses						
Land Use Type	Acreage	Trip Rate	Unit Type	No. Units	Total Trips	Total VMT
Single-Use Carryout Bag Ordinance		0.36	1000 sq ft	1.00	0.36	2.66
					0.36	2.66
Vehicle Fleet Mix						
Vehicle Type	Percent Type		Non-Catalyst		Catalyst	Diesel
Light Auto	0.0		0.4		99.4	0.2
Light Truck < 3750 lbs	0.0		0.9		96.5	2.6
Light Truck 3751-5750 lbs	0.0		0.5		99.5	0.0
Med Truck 5751-8500 lbs	0.0		0.0		100.0	0.0
Lite-Heavy Truck 8501-10,000 lbs	0.0		0.0		71.4	28.6
Lite-Heavy Truck 10,001-14,000 lbs	0.0		0.0		66.7	33.3
Med-Heavy Truck 14,001-33,000 lbs	0.0		0.0		25.0	75.0
Heavy-Heavy Truck 33,001-60,000 lbs	100.0		0.0		0.0	100.0
Other Bus	0.0		0.0		0.0	100.0
Urban Bus	0.0		0.0		0.0	0.0
Motorcycle	0.0		55.2		44.8	0.0
School Bus	0.0		0.0		0.0	100.0
Motor Home	0.0		0.0		85.7	14.3
Travel Conditions						
	Residential			Commute	Commercial	
	Home-Work	Home-Shop	Home-Other		Non-Work	Customer
Urban Trip Length (miles)	10.8	7.3	7.5	9.5	7.4	7.4

	<u>Travel Conditions</u>					
	Residential			Commercial		
	Home-Work	Home-Shop	Home-Other	Commute	Non-Work	Customer
Rural Trip Length (miles)	16.8	7.1	7.9	14.7	6.6	6.6
Trip speeds (mph)	35.0	35.0	35.0	35.0	35.0	35.0
% of Trips - Residential	32.9	18.0	49.1			
% of Trips - Commercial (by land use)						
Single-Use Carryout Bag Ordinance				2.0	1.0	97.0

Alternative 2

Page: 1

7/21/2011 10:06:14 AM

Urbemis 2007 Version 9.2.4

Combined Summer Emissions Reports (Pounds/Day)

File Name: L:\ESP\Santa Clara Co\11-67850 Snyvl - CEQA NEPA Contract Svcs EIR\Other\Sunnyvale SingleUse URBEMIS.urb924

Project Name: Sunnyvale Single-Use Carryout Bag Ordinance **Alternative 2**

Project Location: Santa Clara County

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

Operational Unmitigated Detail Report:

OPERATIONAL EMISSION ESTIMATES Summer Pounds Per Day, Unmitigated

<u>Source</u>	ROG	NOX	CO	SO2	PM10	PM25	CO2
Single-Use Carryout Bag Ordinance	0.00	0.05	0.02	0.00	0.01	0.00	11.61
TOTALS (lbs/day, unmitigated)	0.00	0.05	0.02	0.00	0.01	0.00	11.61

Operational Settings:

Does not include correction for passby trips

Does not include double counting adjustment for internal trips

Analysis Year: 2013 Temperature (F): 85 Season: Summer

Emfac: Version : Emfac2007 V2.3 Nov 1 2006

Summary of Land Uses						
Land Use Type	Acreage	Trip Rate	Unit Type	No. Units	Total Trips	Total VMT
Single-Use Carryout Bag Ordinance		0.39	1000 sq ft	1.00	0.39	2.88
Alternative 2					0.39	2.88
Vehicle Fleet Mix						
Vehicle Type	Percent Type		Non-Catalyst		Catalyst	Diesel
Light Auto	0.0		0.4		99.4	0.2
Light Truck < 3750 lbs	0.0		0.9		96.5	2.6
Light Truck 3751-5750 lbs	0.0		0.5		99.5	0.0
Med Truck 5751-8500 lbs	0.0		0.0		100.0	0.0
Lite-Heavy Truck 8501-10,000 lbs	0.0		0.0		71.4	28.6
Lite-Heavy Truck 10,001-14,000 lbs	0.0		0.0		66.7	33.3
Med-Heavy Truck 14,001-33,000 lbs	0.0		0.0		25.0	75.0
Heavy-Heavy Truck 33,001-60,000 lbs	100.0		0.0		0.0	100.0
Other Bus	0.0		0.0		0.0	100.0
Urban Bus	0.0		0.0		0.0	0.0
Motorcycle	0.0		55.2		44.8	0.0
School Bus	0.0		0.0		0.0	100.0
Motor Home	0.0		0.0		85.7	14.3
Travel Conditions						
	Residential			Commute	Commercial	
	Home-Work	Home-Shop	Home-Other		Non-Work	Customer
Urban Trip Length (miles)	10.8	7.3	7.5	9.5	7.4	7.4

	<u>Travel Conditions</u>					
	Residential			Commercial		
	Home-Work	Home-Shop	Home-Other	Commute	Non-Work	Customer
Rural Trip Length (miles)	16.8	7.1	7.9	14.7	6.6	6.6
Trip speeds (mph)	35.0	35.0	35.0	35.0	35.0	35.0
% of Trips - Residential	32.9	18.0	49.1			
% of Trips - Commercial (by land use)						
Single-Use Carryout Bag Ordinance				2.0	1.0	97.0

Alternative 3

Page: 1

7/21/2011 10:16:27 AM

Urbemis 2007 Version 9.2.4

Combined Summer Emissions Reports (Pounds/Day)

File Name: L:\ESP\Santa Clara Co\11-67850 Snyvl - CEQA NEPA Contract Svcs EIR\Other\Sunnyvale SingleUse URBEMIS.urb924

Project Name: Sunnyvale Single-Use Carryout Bag Ordinance **Alternative 3**

Project Location: Santa Clara County

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

Operational Unmitigated Detail Report:

OPERATIONAL EMISSION ESTIMATES Summer Pounds Per Day, Unmitigated

<u>Source</u>	ROG	NOX	CO	SO2	PM10	PM25	CO2
Single-Use Carryout Bag Ordinance	0.00	0.04	0.01	0.00	0.00	0.00	7.74
TOTALS (lbs/day, unmitigated)	0.00	0.04	0.01	0.00	0.00	0.00	7.74

Operational Settings:

Does not include correction for passby trips

Does not include double counting adjustment for internal trips

Analysis Year: 2013 Temperature (F): 85 Season: Summer

Emfac: Version : Emfac2007 V2.3 Nov 1 2006

Summary of Land Uses						
Land Use Type	Acreage	Trip Rate	Unit Type	No. Units	Total Trips	Total VMT
Single-Use Carryout Bag Ordinance		0.26	1000 sq ft	1.00	0.26	1.92
Alternative 3					0.26	1.92
Vehicle Fleet Mix						
Vehicle Type	Percent Type		Non-Catalyst		Catalyst	Diesel
Light Auto	0.0		0.4		99.4	0.2
Light Truck < 3750 lbs	0.0		0.9		96.5	2.6
Light Truck 3751-5750 lbs	0.0		0.5		99.5	0.0
Med Truck 5751-8500 lbs	0.0		0.0		100.0	0.0
Lite-Heavy Truck 8501-10,000 lbs	0.0		0.0		71.4	28.6
Lite-Heavy Truck 10,001-14,000 lbs	0.0		0.0		66.7	33.3
Med-Heavy Truck 14,001-33,000 lbs	0.0		0.0		25.0	75.0
Heavy-Heavy Truck 33,001-60,000 lbs	100.0		0.0		0.0	100.0
Other Bus	0.0		0.0		0.0	100.0
Urban Bus	0.0		0.0		0.0	0.0
Motorcycle	0.0		55.2		44.8	0.0
School Bus	0.0		0.0		0.0	100.0
Motor Home	0.0		0.0		85.7	14.3
Travel Conditions						
	Residential				Commercial	
	Home-Work	Home-Shop	Home-Other	Commute	Non-Work	Customer
Urban Trip Length (miles)	10.8	7.3	7.5	9.5	7.4	7.4

	<u>Travel Conditions</u>					
	Residential			Commercial		
	Home-Work	Home-Shop	Home-Other	Commute	Non-Work	Customer
Rural Trip Length (miles)	16.8	7.1	7.9	14.7	6.6	6.6
Trip speeds (mph)	35.0	35.0	35.0	35.0	35.0	35.0
% of Trips - Residential	32.9	18.0	49.1			
% of Trips - Commercial (by land use)						
Single-Use Carryout Bag Ordinance				2.0	1.0	97.0



Appendix C

Utilities Calculations

City of Sunnyvale Plastic Carryout Bag Ordinance	
Plastic Bag Size (liters)	14
Paper Bag Size (liters)	20.48
Reusable bag size (liters)	37
Number of plastic bags used in City per year	75,231,202
Number of plastic bags used in City per day	206,113
Ordinance - Assume 50% switch to paper/reusable	
Number of Plastic bags still in (5% of existing)	10,306
Number of paper bags per day with 45% conversion	92,751
Number of reusable bags per day with 50% conversion	103,056

Conversions	
liters to gallons	0.26417205
Kg to short tons	0.00110231
MJ to kWh	0.27777778

Water Use - Ecobilan		Existing Plastic bag	Proposed Plastic Bag Use (5%)	Paper bag	Reusable bag used 52 times
Liters water per 9000 liters groceries		52.6	52.6	173	2.634615
Liters water per bag per day		0.081822222	0.081822222	0.393671111	0.010831
Liters water in City per day		16864.61405	843.2307025	36513.30931	1116.225
Gallons per day		4455.159666	222.7579833	9645.795772	294.8753
Millions gallons per day (MGD) in City		0.00445516	0.000222758	0.009645796	0.000295
MGD per year		1.626133278	0.081306664	3.520715457	0.107629
Increase in water use per year (MGD)					
Increase as a result of Ordinance - Million gallons per year	2.083518339				

Wastewater - Ecobilan		Plastic bag	Proposed Plastic Bag Use (5%)	Paper bag	Reusable bag used 52 times
Liters water per 9000 liters groceries		50	50	130.7	2.634615
Liters water per bag per day		0.077777778	0.077777778	0.297415111	0.010831
Liters water in City per day		16031.00195	801.5500974	27585.48859	1116.225
Gallons per day		4234.942648	211.7471324	7287.315071	294.8753
Millions gallons per day (MGD) in City		0.004234943	0.000211747	0.007287315	0.000295
MGD per year		1.545754067	0.077287703	2.659870001	0.107629
Increase in water use per year (MGD)					
Increase per day (MGD)					
Increase as a result of Ordinance - per year Million gallons	1.299033135				

Solid Waste - Ecobilan		Plastic bag	Proposed Plastic Bag Use (5%)	Paper bag	Reusable bag used 52 times
kg waste per 9000 liters groceries (w/EPA recycling)		4.19356	4.19356	3.83624	0.252115
kg waste per bag per day		0.006523316	0.006523316	0.008729577	0.001036
kg waste in City per day		1344.539371	67.22696853	809.6752468	106.8154
Tons per day (w/recycling)		1.482099194	0.07410496	0.892513121	0.000942
Tons per year		540.9662057	27.04831028	325.7672893	0.343811
Increase in solid waste per year (MGD)				-215.1989164	-540.6224
Increase as a result of Ordinance. Tons/year	-187.8067947				

Energy - Ecobilan		Plastic bag	Proposed Plastic Bag Use (5%)	Paper bag	Reusable bag used 52 times
MJ per 9000 liters groceries		286		295	15.48077
MJ per bag per day		0.444888889		0.671288889	0.063643
MJ in City per day		91697.33114		62262.57945	6558.838
kWh in City per day		25471.48108		17295.1611	1821.899
million kWh in City per day		0.025471481		0.017295161	0.001822
Increase in million kWh per day				-0.00817632	-0.02365
Increase as a result of Ordinance. Million kWh	-0.006354421				
Increase in kWh	-6354.420572				

2007 recycle rate

plastic bags	11.90%
paper bags	36.80%

Water Use - Boustead		Plastic bag	Proposed Plastic Bag Use (5%)	Paper bag
Gallons per 1000 paper bags (1500 plastic bags)		58	58	1004
Gallons per bag		0.038666667	0.038666667	1.004
Gallons water in City per day		7969.698111	398.4849056	93121.80017
Millions gallons per day (MGD) in City		0.007969698	0.000398485	0.0931218
MGD per year		2.908939811	0.145446991	33.98945706
Increase in water use per year (MGD)	31.22596424			
Increase in water per day	0.085550587			

Solid Waste -Boustead		Plastic bag	Proposed Plastic Bag Use (5%)	Paper bag	Reusable bag used 52 times
kg waste per 1000 paper bags (1500 plastic bags)		6.20224	6.20224	21.4248	
kg waste per bag per day		0.004134827	0.004134827	0.0214248	
kg waste in City per day		852.2410416	42.61205208	1987.167275	
Tons per day		0.939433823	0.046971691	2.190474359	
Tons per year		342.8933452	17.14466726	799.5231411	
Increase in solid waste per year (MGD)				456.6297959	
Increase as a result of Ordinance. Tons/day	1.298012228				
Increase as a result of Ordinance. Tons/year	473.7744631				

2007 recycle rate

plastic bags	11.90%
paper bags	36.80%

Energy - Boustead		Plastic bag	Proposed Plastic Bag Use (5%)	Paper bag	Reusable bag used 52 times
MJ per 1000 paper bags (1500 plastic)		763		2622	
MJ per bag per day		0.508666667		2.622	0
MJ in City per day		104842.7527		243192.5897	0
kWh in City per day		29122.98711		67553.49768	0
million kWh in City per day		0.029122987		0.067553498	0
Increase in million kWh per day				0.038430511	
Increase as a result of Ordinance. Million kWh	0.038430511				
Increase in kWh	38430.51057				

City of Sunnyvale Plastic Carryout Bag Ordinance	
Alternative 2	
Plastic Bag Size (liters)	14
Paper Bag Size (liters)	20.48
Reusable bag size (liters)	37
Number of plastic bags used in City per year	75,231,202
Number of plastic bags used in City per day	206,113
Alternative 2:	
Number of Plastic bags	0
Number of paper bags per day	103,056
Number of reusable bags per day	103,056

Conversions	
liters to gallons	0.26417205
Kg to short tons	0.00110231
MJ to kWh	0.27777778

Water Use - Ecobilan		Existing Plastic bag	Proposed Plastic Bag Use (5%)	Paper bag	Reusable bag used 52 times
Liters water per 9000 liters groceries		52.6	52.6	173	2.634615
Liters water per bag per day		0.081822222	0.08182222	0.393671111	0.010831
Liters water in City per day		16864.61405	0	40570.17003	1116.22
Gallons per day		4455.159666	0	10717.50498	294.8741
Millions gallons per day (MGD) in City		0.00445516	0	0.010717505	0.000295
MGD per year		1.626133278	0	3.911889319	0.107629
Increase in water use per year (MGD)					
Increase as a result of Alt - Million gallons per year	2.393385077				

Wastewater - Ecobilan		Plastic bag	Proposed Plastic Bag Use (5%)	Paper bag	Reusable bag used 52 times
Liters water per 9000 liters groceries		50	50	130.7	2.634615
Liters water per bag per day		0.077777778	0.07777778	0.297415111	0.010831
Liters water in City per day		16031.00195	0	30650.41169	1116.22
Gallons per day		4234.942648	0	8096.98209	294.8741
Millions gallons per day (MGD) in City		0.004234943	0	0.008096982	0.000295
MGD per year		1.545754067	0	2.955398463	0.107629
Increase in water use per year (MGD)					
Increase per day (MGD)					
Increase as a result of Alt - per year Million gallons	1.517273432				

Solid Waste - Ecobilan		Plastic bag	Proposed Plastic Bag Use (5%)	Paper bag	Reusable bag used 52 times
kg waste per 9000 liters groceries (w/EPA recycling)		4.19356	4.19356	3.83624	0.252115
kg waste per bag per day		0.006523316	0.00652332	0.008729577	0.001036
kg waste in City per day		1344.539371	0	899.6353125	106.8149
Tons per day (w/recycling)		1.482099194	0	0.991677001	0.000942
Tons per year		540.9662057	0	361.9621055	0.34381
Increase in solid waste per year (MGD)				-179.0041002	-540.6224
Increase as a result of Alt. Tons/year	-178.6602902				

2007 recycle rate

plastic bags	11.90%
paper bags	36.80%

Energy - Ecobilan		Plastic bag	Proposed Plastic Bag Use (5%)	Paper bag	Reusable bag used 52 times
MJ per 9000 liters groceries		286		295	15.48077
MJ per bag per day		0.444888889		0.671288889	0.063643
MJ in City per day		91697.33114		69180.34773	6558.81
kWh in City per day		25471.48108		19216.76341	1821.892
million kWh in City per day		0.025471481		0.019216763	0.001822
Increase in million kWh per day				-0.006254718	-0.02365
Increase as a result of Alt. Million kWh	-0.004432826				
Increase in kWh	-4432.826054				

Water Use - Boustead		Plastic bag	Proposed Plastic Bag Use (5%)	Paper bag
Gallons per 1000 paper bags (1500 plastic bags)		58	58	1004
Gallons per bag		0.038666667	0.038666667	1.004
Gallons water in City per day		7969.698111	0	103468.224
Millions gallons per day (MGD) in City		0.007969698	0	0.103468224
MGD per year		2.908939811	0	37.76590176
Increase in water use per year (MGD)	34.85696195			
Increase in water per day	0.095498526			

Solid Waste -Boustead		Plastic bag	Proposed Plastic Bag Use (5%)	Paper bag	Reusable bag used 52 times
kg waste per 1000 paper bags (1500 plastic bags)		6.20224	6.20224	21.4248	
kg waste per bag per day		0.004134827	0.00413483	0.0214248	
kg waste in City per day		852.2410416	0	2207.954189	
Tons per day		0.939433823	0	2.433849982	
Tons per year		342.8933452	0	888.3552434	
Increase in solid waste per year (MGD)				545.4618981	
Increase as a result of Alt. Tons/day	1.494416159				
Increase as a result of Alt. Tons/year	545.4618981				

2007 recycle rate

plastic bags	11.90%
paper bags	36.80%

Energy - Boustead		Plastic bag	Proposed Plastic Bag Use (5%)	Paper bag	Reusable bag used 52 times
MJ per 1000 paper bags (1500 plastic)		763		2622	
MJ per bag per day		0.508666667		2.622	0
MJ in City per day		104842.7527		270212.832	0
kWh in City per day		29122.98711		75059.1206	0
million kWh in City per day		0.029122987		0.075059121	0
Increase in million kWh per day				0.045936133	
Increase as a result of Alt. Million kWh	0.045936133				
Increase in kWh	45936.13349				

City of Sunnyvale Plastic Carryout Bag Ordinance	
Alternative 3	
Plastic Bag Size (liters)	14
Paper Bag Size (liters)	20.48
Reusable bag size (liters)	37
Number of plastic bags used in City per year	75,231,202
Number of plastic bags used in City per day	206,113
Alternative 3:	
Number of Plastic bags per day	10,305
Number of paper bags per day	72,139
Number of reusable bags per day	123,668

Conversions	
liters to gallons	0.26417205
Kg to short tons	0.00110231
MJ to kWh	0.27777778

Water Use - Ecobilan		Existing Plastic bag	Proposed Plastic Bag Use (5%)	Paper bag	Reusable bag used 52 times
Liters water per 9000 liters groceries		52.6	52.6	173	2.634615
Liters water per bag per day		0.081822222	0.081822222	0.393671111	0.010831
Liters water in City per day		16864.61405	843.178	28399.04028	1339.472
Gallons per day		4455.159666	222.7440608	7502.23269	353.8512
Millions gallons per day (MGD) in City		0.00445516	0.000222744	0.007502233	0.000354
MGD per year		1.626133278	0.081301582	2.738314932	0.129156
Increase in water use per year (MGD)					
Increase as a result of Alt - Million gallons per year	1.322638915				

Wastewater - Ecobilan		Plastic bag	Proposed Plastic Bag Use (5%)	Paper bag	Reusable bag used 52 times
Liters water per 9000 liters groceries		50	50	130.7	2.634615
Liters water per bag per day		0.077777778	0.077777778	0.297415111	0.010831
Liters water in City per day		16031.00195	801.5	21455.2287	1339.472
Gallons per day		4234.942648	211.7338981	5667.871749	353.8512
Millions gallons per day (MGD) in City		0.004234943	0.000211734	0.005667872	0.000354
MGD per year		1.545754067	0.077282873	2.068773188	0.129156
Increase in water use per year (MGD)					
Increase per day (MGD)					
Increase as a result of Alt - per year Million gallons	0.729457673				

Solid Waste - Ecobilan		Plastic bag	Proposed Plastic Bag Use (5%)	Paper bag	Reusable bag used 52 times
kg waste per 9000 liters groceries (w/EPA recycling)		4.19356	4.19356	3.83624	0.252115
kg waste per bag per day		0.006523316	0.006523316	0.008729577	0.001036
kg waste in City per day		1344.539371	67.2227668	629.7429728	128.1787
Tons per day (w/recycling)		1.482099194	0.074100328	0.694171976	0.00113
Tons per year		540.9662057	27.04661975	253.3727714	0.412575
Increase in solid waste per year (MGD)				-287.5934343	-540.5536
Increase as a result of Alt. Tons/year	-260.1342399				

Energy - Ecobilan		Plastic bag	Proposed Plastic Bag Use (5%)	Paper bag	Reusable bag used 52 times
MJ per 9000 liters groceries		286		295	15.48077
MJ per bag per day		0.444888889		0.671288889	0.063643
MJ in City per day		91697.33114		48426.10916	7870.623
kWh in City per day		25471.48108		13451.6971	2186.284
million kWh in City per day		0.025471481		0.013451697	0.002186
Increase in million kWh per day				-0.012019784	-0.023285
Increase as a result of Alt. Million kWh	-0.0098335				
Increase in kWh	-9833.499907				

2007 recycle rate

plastic bags	11.90%
paper bags	36.80%

Water Use - Boustead		Plastic bag	Proposed Plastic Bag Use (5%)	Paper bag
Gallons per 1000 paper bags (1500 plastic bags)		58	58	1004
Gallons per bag		0.038666667	0.038666667	1.004
Gallons water in City per day		7969.698111	398.46	72427.556
Millions gallons per day (MGD) in City		0.007969698	0.00039846	0.072427556
MGD per year		2.908939811	0.1454379	26.43605794
Increase in water use per year (MGD)	23.67255603			
Increase in water per day	0.064856318			

Solid Waste -Boustead		Plastic bag	Proposed Plastic Bag Use (5%)	Paper bag	Reusable bag used 52 times
kg waste per 1000 paper bags (1500 plastic bags)		6.20224	6.20224	21.4248	
kg waste per bag per day		0.004134827	0.004134827	0.0214248	
kg waste in City per day		852.2410416	42.6093888	1545.563647	
Tons per day		0.939433823	0.046968755	1.703690264	
Tons per year		342.8933452	17.14359571	621.8469463	
Increase in solid waste per year (MGD)				278.9536011	
Increase as a result of Alt. Tons/day	0.811225197				
Increase as a result of Alt. Tons/year	296.0971968				

2007 recycle rate

plastic bags	11.90%
paper bags	36.80%

Energy - Boustead		Plastic bag	Proposed Plastic Bag Use (5%)	Paper bag	Reusable bag used 52 times
MJ per 1000 paper bags (1500 plastic)		763		2622	
MJ per bag per day		0.508666667		2.622	0
MJ in City per day		104842.7527		189148.458	0
kWh in City per day		29122.98711		52541.23875	0
million kWh in City per day		0.029122987		0.052541239	0
Increase in million kWh per day				0.023418252	
Increase as a result of Alt. Million kWh	0.023418252				
Increase in kWh	23418.25165				

City of Sunnyvale Plastic Carryout Bag Ordinance	
Alternative 4	
Plastic Bag Size (liters)	14
Paper Bag Size (liters)	20.48
Reusable bag size (liters)	37
Number of plastic bags used in City per year	75,231,202
Number of plastic bags used in City per day	206,113
Alternative 4:	
Number of Plastic bags per day	10,305
Number of paper bags per day	103,056
Number of reusable bags per day	92,751

Conversions	
liters to gallons	0.26417205
Kg to short tons	0.00110231
MJ to kWh	0.27777778

Water Use - Ecobilan		Existing Plastic bag	Proposed Plastic Bag Use (5%)	Paper bag	Reusable bag used 52 times
Liters water per 9000 liters groceries		52.6	52.6	173	2.634615
Liters water per bag per day		0.081822222	0.081822222	0.393671111	0.010831
Liters water in City per day		16864.61405	843.178	40570.17003	1004.604
Gallons per day		4455.159666	222.7440608	10717.50498	265.3884
Millions gallons per day (MGD) in City		0.00445516	0.000222744	0.010717505	0.000265
MGD per year		1.626133278	0.081301582	3.911889319	0.096867
Increase in water use per year (MGD)					
Increase as a result of Alt - Million gallons per year	2.463924383				

Wastewater - Ecobilan		Plastic bag	Proposed Plastic Bag Use (5%)	Paper bag	Reusable bag used 52 times
Liters water per 9000 liters groceries		50	50	130.7	2.634615
Liters water per bag per day		0.077777778	0.077777778	0.297415111	0.010831
Liters water in City per day		16031.00195	801.5	30650.41169	1004.604
Gallons per day		4234.942648	211.7338981	8096.98209	265.3884
Millions gallons per day (MGD) in City		0.004234943	0.000211734	0.008096982	0.000265
MGD per year		1.545754067	0.077282873	2.955398463	0.096867
Increase in water use per year (MGD)					
Increase per day (MGD)					
Increase as a result of Alt - per year Million gallons	1.583794028				

Solid Waste - Ecobilan		Plastic bag	Proposed Plastic Bag Use (5%)	Paper bag	Reusable bag used 52 times
kg waste per 9000 liters groceries (w/EPA recycling)		4.19356	4.19356	3.83624	0.252115
kg waste per bag per day		0.006523316	0.006523316	0.008729577	0.001036
kg waste in City per day		1344.539371	67.2227668	899.6353125	96.13403
Tons per day (w/recycling)		1.482099194	0.074100328	0.991677001	0.000848
Tons per year		540.9662057	27.04661975	361.9621055	0.309431
Increase in solid waste per year (MGD)				-179.0041002	-540.6568
Increase as a result of Alt. Tons/year	-151.6480495				

Energy - Ecobilan		Plastic bag	Proposed Plastic Bag Use (5%)	Paper bag	Reusable bag used 52 times
MJ per 9000 liters groceries		286		295	15.48077
MJ per bag per day		0.444888889		0.671288889	0.063643
MJ in City per day		91697.33114		69180.34773	5902.967
kWh in City per day		25471.48108		19216.76341	1639.713
million kWh in City per day		0.025471481		0.019216763	0.00164
Increase in million kWh per day				-0.006254718	-0.023832
Increase as a result of Alt. Million kWh	-0.004615005				
Increase in kWh	-4615.004608				

2007 recycle rate

plastic bags	11.90%
paper bags	36.80%

Water Use - Boustead		Plastic bag	Proposed Plastic Bag Use (5%)	Paper bag
Gallons per 1000 paper bags (1500 plastic bags)		58	58	1004
Gallons per bag		0.038666667	0.038666667	1.004
Gallons water in City per day		7969.698111	398.46	103468.224
Millions gallons per day (MGD) in City		0.007969698	0.00039846	0.103468224
MGD per year		2.908939811	0.1454379	37.76590176
Increase in water use per year (MGD)	35.00239985			
Increase in water per day	0.095896986			

Solid Waste -Boustead		Plastic bag	Proposed Plastic Bag Use (5%)	Paper bag	Reusable bag used 52 times
kg waste per 1000 paper bags (1500 plastic bags)		6.20224	6.20224	21.4248	
kg waste per bag per day		0.004134827	0.004134827	0.0214248	
kg waste in City per day		852.2410416	42.6093888	2207.954189	
Tons per day		0.939433823	0.046968755	2.433849982	
Tons per year		342.8933452	17.14359571	888.3552434	
Increase in solid waste per year (MGD)				545.4618981	
Increase as a result of Alt. Tons/day	1.541384915				
Increase as a result of Alt. Tons/year	562.6054938				

2007 recycle rate

plastic bags	11.90%
paper bags	36.80%

Energy - Boustead		Plastic bag	Proposed Plastic Bag Use (5%)	Paper bag	Reusable bag used 52 times
MJ per 1000 paper bags (1500 plastic)		763		2622	
MJ per bag per day		0.508666667		2.622	0
MJ in City per day		104842.7527		270212.832	0
kWh in City per day		29122.98711		75059.1206	0
million kWh in City per day		0.029122987		0.075059121	0
Increase in million kWh per day				0.045936133	
Increase as a result of Alt. Million kWh	0.045936133				
Increase in kWh	45936.13349				



Appendix D

Proposed Sunnyvale Ordinance Prohibiting Plastic Carryout Bags

**PROPOSED SUNNYVALE ORDINANCE
PROHIBITING PLASTIC CARRYOUT BAGS**

CH. 5.38. PLASTIC CARRYOUT BAGS

5.38.010 Definitions.

5.38.020 Plastic carryout bags prohibited.

5.38.030 Permitted bags.

5.38.040 Regulation of recyclable paper carryout bags.

5.38.050 Use of reusable bags.

5.38.060 Exempt customers.

5.38.070 Operative date.

5.38.080 Enforcement and violation--penalty.

5.38.090 Severability.

5.38.100 No conflict with federal or state law.

5.38.010 Definitions.

The following definitions apply to this Chapter:

- A. "Customer" means any person purchasing goods from a store.
- B. "Operator" means the person in control of, or having the responsibility for, the operation of a store, which may include, but is not limited to, the owner of the store.
- C. "Person" means any natural person, firm, corporation, partnership, or other organization or group however organized.
- D. "Plastic carryout bag" means any bag made predominantly of plastic derived from either petroleum or a biologically-based source, such as corn or other plant sources, which is provided to a customer at the point of sale. "Plastic carryout bag" includes compostable and biodegradable bags but does not include reusable bags, produce bags, or product bags.

E. “Postconsumer recycled material” means a material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. “Postconsumer recycled material” does not include materials and by-products generated from, and commonly reused within, an original manufacturing and fabrication process.

F. “Produce bag” or “product bag” means any bag without handles provided to a customer (1) to carry produce, meats, or other food items to the point of sale inside a store; (2) to hold prescription medication dispensed from a pharmacy; (3) to protect food or merchandise from being damaged or contaminated by other food or merchandise when items are placed together in a reusable bag or recyclable paper carryout bag; or (4) a bag without handles that is designed to be placed over articles of clothing on a hanger.

G. “Recyclable” means material that can be sorted, cleansed, and reconstituted using available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. “Recycling” does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

H. “Recyclable paper carryout bag” means a paper bag that meets all of the following requirements: (1) is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) post-consumer recycled material; (2) is capable of composting, consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard D6400; (3) is accepted for recycling in curbside programs in the City; (4) has printed on the bag the name of the manufacturer, the location (country) where the bag was manufactured, and the minimum percentage of postconsumer recycled material used; and (5) displays the word “Recyclable” in a highly visible manner on the outside of the bag.

I. “Reusable bag” means a bag with handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements: (1) has a minimum lifetime of 125 uses, which for purposes of this subsection, means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet; (2) has a minimum volume of 15 liters; (3) is machine washable or is made from a material that can be cleaned or disinfected; (4) does not contain lead, cadmium, or any other heavy metal in toxic amounts; (5) has printed on the bag, or on a tag that is permanently affixed to the bag, the name of the manufacturer, the location (country) where the bag was manufactured, a statement that the bag does not contain lead, cadmium, or any other heavy metal in toxic amounts, and the percentage of postconsumer recycled material used, if any; and (6) if made of plastic, is a minimum of at least 2.25 mils thick.

J. “Store” means any of the following retail establishments located within the City limits of the City of Sunnyvale:

(1) A full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, that sells a line of dry grocery, canned goods, or nonfood items and some perishable items;

(2) A store of at least 10,000 square feet of retail space that sells any perishable or non-perishable goods including, but not limited to, clothing, food, or personal items, and generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code); or

(3) A drug store, pharmacy, supermarket, grocery store, convenience food store, foodmart, or other entity engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods, including those stores with a Type 20 or 21 license issued by the Department of Alcoholic Beverage Control.

5.38.020 Plastic carryout bags prohibited.

- A. No store shall provide to any customer a plastic carryout bag.
- B. This prohibition applies to bags provided for the purpose of carrying away goods from the point of sale and does not apply to produce bags or product bags.

5.38.030 Permitted bags.

All stores shall provide or make available to a customer only recyclable paper carryout bags or reusable bags for the purpose of carrying away goods or other materials from the point of sale, subject to the terms of this Chapter. Nothing in this Chapter prohibits customers from using bags of any type that they bring to the store themselves or from carrying away goods that are not placed in a bag, in lieu of using bags provided by the store.

5.38.040 Regulation of recyclable paper carryout bags.

- A. Any store that provides a recyclable paper carryout bag to a customer must charge the customer 15 cents (\$0.15) for each bag provided, except as otherwise provided in this Chapter.
- B. No store shall rebate or otherwise reimburse a customer any portion of the 15-cent (\$0.15) charge required in Subsection A, except as otherwise provided in this Chapter.
- C. All stores must indicate on the customer receipt the number of recyclable paper carryout bags provided and the total amount charged for the bags.
- D. All monies collected by a store under this Chapter will be retained by the store and may be used only for any of the following purposes: (1) costs associated with complying with the requirements of this Chapter, (2) actual costs of providing recyclable paper carryout bags or reusable bags, or (3) costs associated with a store's educational materials or education campaign encouraging the use of reusable bags, if any.

E. All stores must report to the Director of Utilities, on a quarterly basis, the total number of recyclable paper carryout bags provided, the total amount of monies collected for providing recyclable paper carryout bags, and a summary of any efforts a store has undertaken to promote the use of reusable bags by customers in the prior quarter. Such reporting must be done on a form prescribed by the Director of Utilities, and must be signed by a responsible agent or officer of the store confirming that the information provided on the form is accurate and complete. For the periods from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31, all quarterly reporting must be submitted no later than 30 days after the end of each quarter.

F. If the reporting required in Subsection E is not timely submitted by a store, such store shall be subject to the fines set forth in Section 5.38.080.

5.38.050 Use of reusable bags.

Stores are strongly encouraged to educate their staff to promote reusable bags and to post signs encouraging customers to use reusable bags.

5.38.060 Exempt customers.

All stores must provide at the point of sale, free of charge, either reusable bags or recyclable paper carryout bags or both, at the store's option, to any customer participating either in the California Special Supplemental Food Program for Women, Infants, and Children pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code or in the Supplemental Food Program pursuant to Chapter 10 (commencing with Section 15500) of Part 3 of Division 9 of the Welfare and Institutions Code.

5.38.070 Operative date.

This Chapter shall become operative on [date].

5.38.080 Enforcement and violation--penalty.

A. The Director of Utilities has primary responsibility for enforcement of this Chapter. The Director of Utilities is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this Chapter, including, but not limited to, investigating violations, issuing fines and entering the premises of any store during business hours.

B. If the Director of Utilities determines that a violation of this Chapter has occurred, he/she will issue a written warning notice to the operator of a store that a violation has occurred and the potential penalties that will apply for future violations.

- C. Any store that violates or fails to comply with any of the requirements of this Chapter after a written warning notice has been issued for that violation shall be guilty of an infraction.
- D. If a store has subsequent violations of this Chapter that are similar in kind to the violation addressed in a written warning notice, the following penalties will be imposed and shall be payable by the operator of the store:
- (1) A fine not exceeding one hundred dollars (\$100.00) for the first violation after the written warning notice is given;
 - (2) A fine not exceeding two hundred dollars (\$200.00) for the second violation after the written warning notice is given; or
 - (3) A fine not exceeding five hundred dollars (\$500.00) for the third and any subsequent violations after the written warning notice is given.
- E. A fine shall be imposed for each day a violation occurs or is allowed to continue.
- F. All fines collected pursuant to this Chapter shall be deposited in the Solid Waste Management Fund of the Department of Utilities to assist the department with its costs of implementing and enforcing the requirements of this Chapter.
- G. Any store operator who receives a written warning notice or fine may request an administrative review of the accuracy of the determination or the propriety of any fine issued, by filing a written notice of appeal with the Director of Utilities no later than 30 days after receipt of a written warning notice or fine, as applicable. The notice of appeal must include all facts supporting the appeal and any statements and evidence, including copies of all written documentation and a list of any witnesses, that the appellant wishes to be considered in connection with the appeal. The appeal will be heard by a hearing officer designated by the Director of Utilities. The hearing officer will conduct a hearing concerning the appeal within 45 days from the date that the notice of appeal is filed, or on a later date if agreed upon by the appellant and the City, and will give the appellant 10 days prior written notice of the date of the hearing. The hearing officer may sustain, rescind, or modify the written warning notice or fine, as applicable, by written decision. The hearing officer will have the power to waive any portion of the fine in a manner consistent with the decision. The decision of the hearing officer is final and effective on the date of service of the written decision, is not subject to further administrative review, and constitutes the final administrative decision.

5.38.090 Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision will not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this ordinance would be subsequently declared invalid.

5.38.100 No conflict with federal or state law.

Nothing in this ordinance is intended to create any requirement, power or duty that is in conflict with any federal or state law.